

800A #108 **PETITION FOR ZONING VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a side yard setback of 15' in lieu of the required 30', a side yard setback of 8.5' in lieu of the required 30', and a rear yard setback of 10' in lieu of the required 20'. and sections 238.1 to permit a front yard setback of 0' in lieu of required 25', and a front yard setback of 18' in lieu of required 25' on York Road.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reason: (state hardship or practical difficulty)

To be determined at hearing.

MAP 3C
NE 24
ELECTION
DISTRICT 9
DATE 7/21/85
TYPE
HEARING 2
BY
FNUH

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Jack H. Pechter, et al
Signature [Signature] Signature [Signature]
Address (Type or Print Name)
City and State Signature
Attorney for Petitioner: John B. Howard, Esquire
(Type or Print Name)
Signature [Signature]
210 Allegheny Avenue
Towson, MD 21204
City and State
Attorney's Telephone No.: 823-4111
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
210 Allegheny Ave., Towson, MD 21204
Address Phone No. 823-4111

ORDERED BY The Zoning Commissioner of Baltimore County, this 10th day of October, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of November, 1985, at 9:30 o'clock.

[Signature]
Zoning Commissioner of Baltimore County.

(over)



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

December 19, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 86-200-A JACK H. PECHTER, ET AL
SE/cor. York Rd. and Linden Terrace
9th District
Variances-Setbacks
11/12/85 - D.Z.C.'s Order-GRANTED
ASSIGNED FOR: THURSDAY, JANUARY 9, 1986, at 10 a.m.
CC: John B. Howard, Esq. Counsel for Petitioner
William Matthews Protestant-Appellant
Arthur Brandan Protestant
Carol Ukens
The Linden Village Comm. Assoc. Protestant-Appellant
Phyllis C. Friedman People's Counsel
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James E. Dyer

June Holmen, Secretary

Case No. 86-200-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of October, 1985.

Petitioner Jack H. Pechter, et al Received by: [Signature]
Petitioner's Attorney John B. Howard, Esquire Chairman, Zoning Plans Advisory Committee
Arnold Jablon Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: October 21, 1985
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 86-200-A

The CRG Plan (IX-467) was approved on October 2, 1985; however, the plan in this file is not the approved plan. The plan before the Zoning Commissioner at the hearing should be the approved plan and any modifications to the requested variances should be made accordingly.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:alm

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 21, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 108 - Case No. 86-200-A
Petitioners - Jack H. Pechter, et al
Variance Petition

Dear Mr. Howard:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above-referenced petition. The comments from the CRG have been added to those of the Zoning Plans Advisory Committee and are part of this case file. They are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nr

Enclosures

cc: Kilde Consultants
1020 Cromwell Bridge Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: September 30, 1985
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division
PROJECT NAME: Forty York
PROJECT NUMBER: #85243
LOCATION: 40 York Road (At Linden Terrace)
DISTRICT: 9C4

The Plan for the subject site, dated August 16, 1985, has been reviewed by the Developers Engineering Division and we comment as follows:

GENERAL COMMENTS:

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 3.0 times payroll for Metropolitan District Projects and 2.0 times payroll for the Capital Improvement Fund.

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his site. Occupancy Permits will be withheld until such damages have been corrected.

Resolution adopted at the Annual meeting of the Association on September 17, 1985.

Be it resolved by Burleigh Square Comm. Ass. that the Board of Directors, having been empowered with the responsibility for review and action on all zoning matters, hereby goes on record that it is in support of the requested variances for the development of an office building at 40 York Road, in Zoning Case Number 86-200-A. Petitioners in this case have worked closely with this Association in presenting the plan now before the Zoning Commissioner and the Association respectfully submits that an undue hardship or practical difficulty would result if the variances are not granted.

Attest:

[Signature]
Secretary

PETITIONER'S
EXHIBIT 231

Resolution adopted at the Annual meeting of the Association on September 17, 1985.

Be it resolved by Burleigh Square Comm. Assoc. that the responsibility for review and action on all zoning matters be and hereby is placed in the Board of Governors of the

Attest:

[Signature]
Secretary

PETITIONER'S
EXHIBIT 231

AUG 8 1986

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

Project #85243
Forty York
Page 2
September 30, 1985

HIGHWAY COMMENTS:

Linden Terrace, an existing road, shall be widened at this time to a 40-foot half section on the existing 60-foot right-of-way, from York Road to the easternmost side of the proposed entrance.

The Developer's responsibilities shall include:

- The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the site or as may be required to establish line and grade.
- The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1"=5' horizontal to 1"=5' vertical scale.
- The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- The grading of the widening to the proposed cross-section based on the grade of the existing road. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards and requirements for 11-inch thick paving.
- The relocation of any utilities or poles as required by the road improvements.

No widening of East Burke Avenue will be required; however, the Developer shall dedicate the right-of-way and slope easements to Baltimore County to accommodate a future right turn lane at York Road. The right-of-way line shall be set at 40 feet from the construction baseline as shown on the plan.

Prior to the issuance of building permits, a road closing hearing shall be held and the alleys must be formally closed by the County Executive.

The entrance locations are subject to approval by the Department of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide. Depressed curb is to be used with no curb returns to the property line. (See Detail R-32)

Prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services, Attention: Mr. C. E. Brown, 494-3321.

Project #85243
Forty York
Page 3
September 30, 1985

HIGHWAY COMMENTS: (Cont'd)

In accordance with Bill No. 32-72, street lights are required in all developments. The Developer will be responsible for the full cost of installation of the cable, poles and fixtures.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unnumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee to said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1"=200', including all facilities and drainage areas involved, shall be shown on the required construction plans.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 13-85) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

Project #85243
Forty York
Page 4
September 30, 1985

STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

No storm water management is required.

WATER AND SANITARY SEWER COMMENTS:

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

Permission to connect to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

The Developer will be given credit for one System Connection Charge for each existing house which is now connected into the public services.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges.

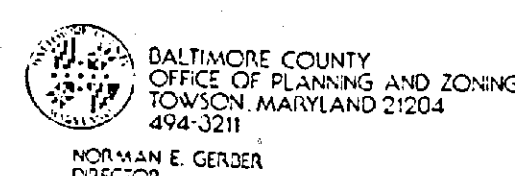
Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

The Plan for the subject site may be approved, subject to conformance with the above comments.

[Signature]
EDWARD A. MCDONOUGH, P.E., Chief
Developers Engineering Division

EAM:DES:as

cc: File



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

OCTOBER 18, 1985

Re: Zoning Advisory Meeting of SEPTEMBER 24, 1985
Item # 10B JACK H. PECHTER, et al
Location: SE/COR. OF YORK ROAD +
LINDEN TERRACE

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ If there are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ The parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on _____.
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual, Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☒ The property is located in a deficient service area as defined by the Baltimore County Master Plan, Bill 178-79, and as conditions change are re-evaluated annually by the County Council.
- ☒ The property is located in a deficient service area controlled by an F level intersection, York Road and Burke Avenue. Bill 178-79 requires that no building permit shall be issued or Plat recorded in a deficient service area until a Reserve Capacity Use Certificate has been issued by Baltimore County. In the event there is no capacity available, the Plat may be recorded, but building permits would not be issued until capacity becomes available.

THE CRG PLAN IX - 467 (VIA FORTY YORK)
WAS APPROVED - 10/12/85

cc: James Hoswell

Eunne A. Rohrer
Chief, Current Planning and Development

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: OFFICE OF PLANNING AND ZONING

DATE: 10/1/85

PROJECT NAME: FORTY YORK IX-467 C-4 PLAN
COUNCIL & ELECTION DISTRICT PLAN EXTENSION
REVISED PLAN
PLAT

The Office of Planning has reviewed the subject plan dated August 16, 1985 and submits the following comments:

- The parking structure fronting on East Burke Avenue should be shifted back to the vicinity of the adjacent residential building line. This additional set-back will satisfy the right-of-way requirements of the Dept. of Public Works and will make the structure more compatible and less obtrusive with respect to the neighboring residential area. Landscaping must be provided along Burke Avenue.
- The existing line of large trees along the rear property line must be maintained and protected to provide a visual separation between the commercial area on York Road and the residential community on Linden Terrace. The retention of these large trees is an important factor in the establishment of a visual and physical separation of the commercial from the residential community. Additional information is required from the developer's landscape architect to determine if the proposed 10' buffer is sufficient distance to protect the trees. This office has consulted the State Forester for advice and information. If additional clearance is found to be necessary, the proposed office building must be relocated closer to York Road and the parking deck revised. In this event, this office will support a set-back variance from the York Road frontage. Cross sections are required showing the relationship of the parking structure with the adjacent residences.
- The plan must indicate the type of building material for the office building and parking structures. In particular, the rear of the parking structure should be of an attractive exterior material due to its proximity to the residential uses.
- The elevation drawings should indicate the scale and include dimensions.
- The landscape calculations must be corrected. The road frontage should be 500.67' producing a requirement of 13 trees. The total requirement should be 22 trees with 12 being major deciduous. Careful consideration should be given to the landscape treatment in the rear of the property between the parking structure and the two existing dwellings. A Final Landscape Plan prepared by a registered Landscape Architect must be approved by this office prior to issuance of building permits.
- The property is located in a deficient service area, traffic area controlled by an F level intersection, York Road and Burke Avenue. Bill 178-79 requires that no building permit shall be issued or Plat recorded in a deficient service area until a Reserve Capacity Use Certificate has been issued by Baltimore County. In the event there is no capacity available, the Plat may be recorded, but building permits would not be issued until capacity becomes available.

[Signature]
Gary Kerns

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

DATE: October 2, 1985

FROM: ZONING OFFICE

PROJECT NAME: FORTY YORK PLAN: 8/16/85
LOCATION: SE/corner York Rd. & Linden Terrace DEVELOPMENT PLAN:
DISTRICT: 9th Election District PLAT:

- Front, side and rear yard variances were applied for in the Zoning Office on 9/10/85 under Item #103.
- Correct the required side yard setbacks in the notes and on the plat to correspond to the plan filed with the variance petition.
- Include one (1) loading space 10' x 25'.
- Show height on elevations, also include two (2) height tent figures on York Road and Linden Terrace where height exceeds 40 feet.
- The parking would be on three levels as shown on the plan and the notes refer to two levels. Also, would the total spaces be 163 instead of 165?

WCR:bg

[Signature]
W. CARL RICHARDS, JR.
Zoning Associate III



Maryland Department of Transportation
State Highway Administration

William K. Holman
Secretary
Hal Kassoff
Administrator

September 24, 1985

Mr. J. Markle-Chief
Bureau of Public Services
County Office Building
Towson, Maryland 21204

Re: Baltimore County
CRG Meeting of 10/2/85
"Forty York", E/S
York Road
Maryland Route 45
South of Linden Terrace

Dear Mr. Markle:

On review of the submittal of 8/16/85, and review of our files, we find the comments in our letter of 9/4/85 to Kilde Consultants Inc., have not been addressed in detail.

Therefore, the CRG plan of 8/16/85, must be revised to meet our previous comments.

It is requested that all Baltimore County Permits be held until the plan is revised, State Highway Administration Permit applied for and a \$50.00 fee with bond or letter of credit in the amount of \$5,000.00, is posted to guarantee construction.

Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engr. Access Permits
by: George Wittman

CL-GW:es

cc: J. Ogle
Kilde Consultants Inc.

enclosure

My telephone number is 301-659-1350
Toll-free for impaired hearing or speech
303-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



October 7, 1985

Re: ZAC Meeting of 9-24-85
ITEM: #108.
Property Owner: Jack H. Pechter,
et al (CRG)
Location: SE Corner of York Road
and Linden Terrace
Existing Zoning: BR-CS1
Proposed Zoning: Variance to permit
a side yard setback of 15' in lieu
of the required 30', a side yard
setback of 8.5' in lieu of the
required 30', and a rear yard set-
back of 10' in lieu of the required
30', and a front yard setback of 0'
in lieu of required 25', and a front
yard setback of 18' in lieu of
required 25' on York Road
Acreage: 1.35+ acres
District: 9th Election District

Dear Mr. Jablon:

On review of the revised submittal of 9-30-85 for the "Forty York" site, the State Highway Administration finds the plan generally acceptable.

At the CRG meeting the Developer's Engineer presented a red lined revision showing a drop-off or loading area along the York Road frontage of the site. We (State Highway Administration) find this proposal acceptable, however, the indented area must be posted as "No Parking".

All previous comments in our letter of 9-24-85 for State Highway Administration access permit shall remain unchanged.

Very truly yours

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



STEPHEN E. COLLINS
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -ZAC- 108
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

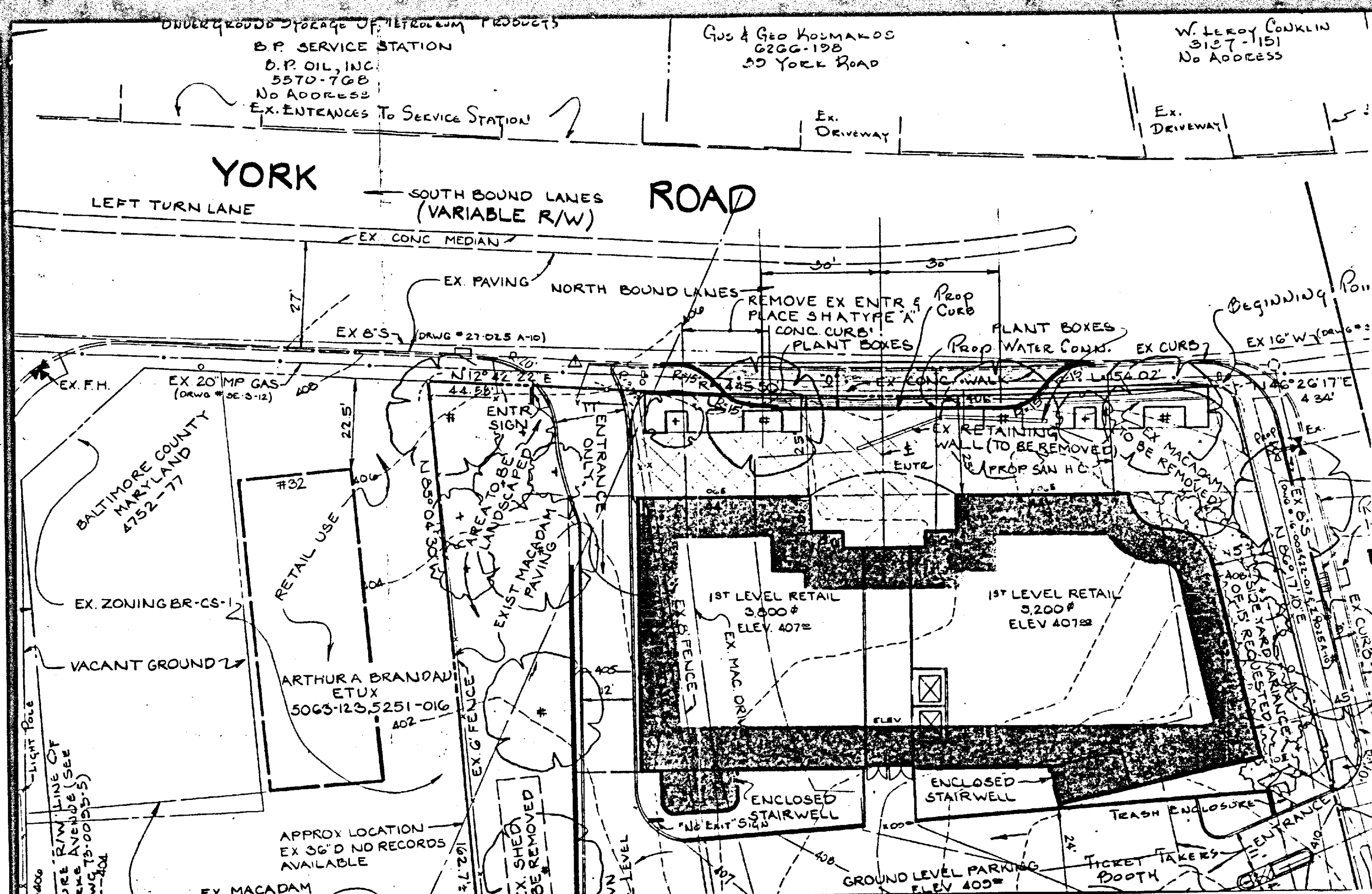
Dear Mr. Jablon:

This item was reviewed by the County review group and should comply with the CRG comments dated 10-1-85, i.e. the comment dealing with the road taper of Linden Terrace and the R/W line on East Burke Avenue, (See attachments).

Michael S. Flanigan
Traffic Engineer Assoc II

MSF/bld
Attachments

86-200-A
11/6



TO : Mr. James A. Markle DATE: 10-1-81
FROM : C. Richard Moore
SUBJECT: C.R.G. Comments

PROJECT NAME: Forty York C.R.G. PLAN: X
PROJECT NUMBER & DISTRICT: 904 DEVELOPMENT PLAN: _____
LOCATION: York & Burke RECORD PLAN: _____

The entrance only access from York Road needs to be adequately signed and marked to prevent wrong way flow on the entrance ramp. This access is subject to the approval of the SHA.

The one-foot wide gate island for the access on Linden Terrace needs to be shortened 10 ft. from the south side to permit better internal access.

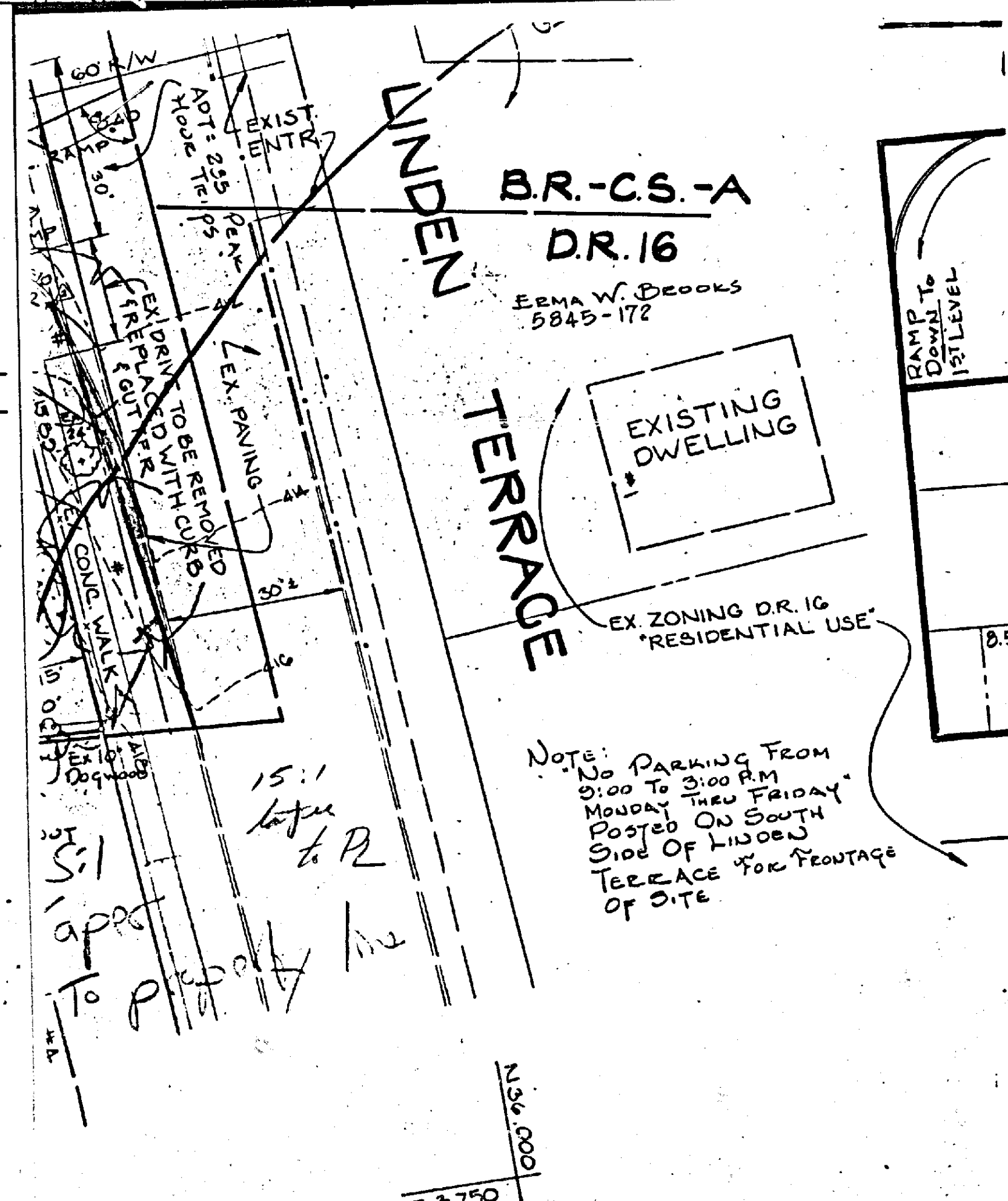
The access on Linden Terrace needs to intersect at closer to a 90 degree angle, also it should be noted that the Department of Traffic Engineering may prohibit right turns onto Linden Terrace.

The proposed widening for Linden Terrace needs to have an adequate taper back to existing paving.

Additional right-of-way will be needed on Burke Avenue.

C. Richard Moore (for CRM)
C. Richard Moore
Deputy Director of Traffic Engineering

CRM/GMJ/bld

DEPARTMENT OF TRAFFIC ENGINEERING
BALTIMORE COUNTY, MARYLAND

TO : Mr. James A. Markle DATE: 10-1-85
FROM : C. Richard Moore
SUBJECT: C.R.G. Comments

PROJECT NAME: Forty York C.R.G. PLAN: _____
PROJECT NUMBER & DISTRICT: 9C4. DEVELOPMENT PLAN: _____
LOCATION: York & Burke RECORD PLAT: _____

The entrance only access from York Road needs to be adequately signed and marked to prevent wrong way flow on the entrance ramp. This access is subject to the approval of the SHA.

The one-foot wide gate island for the access on Linden Terrace needs to be shortened 10 ft. from the south side to permit better internal access.

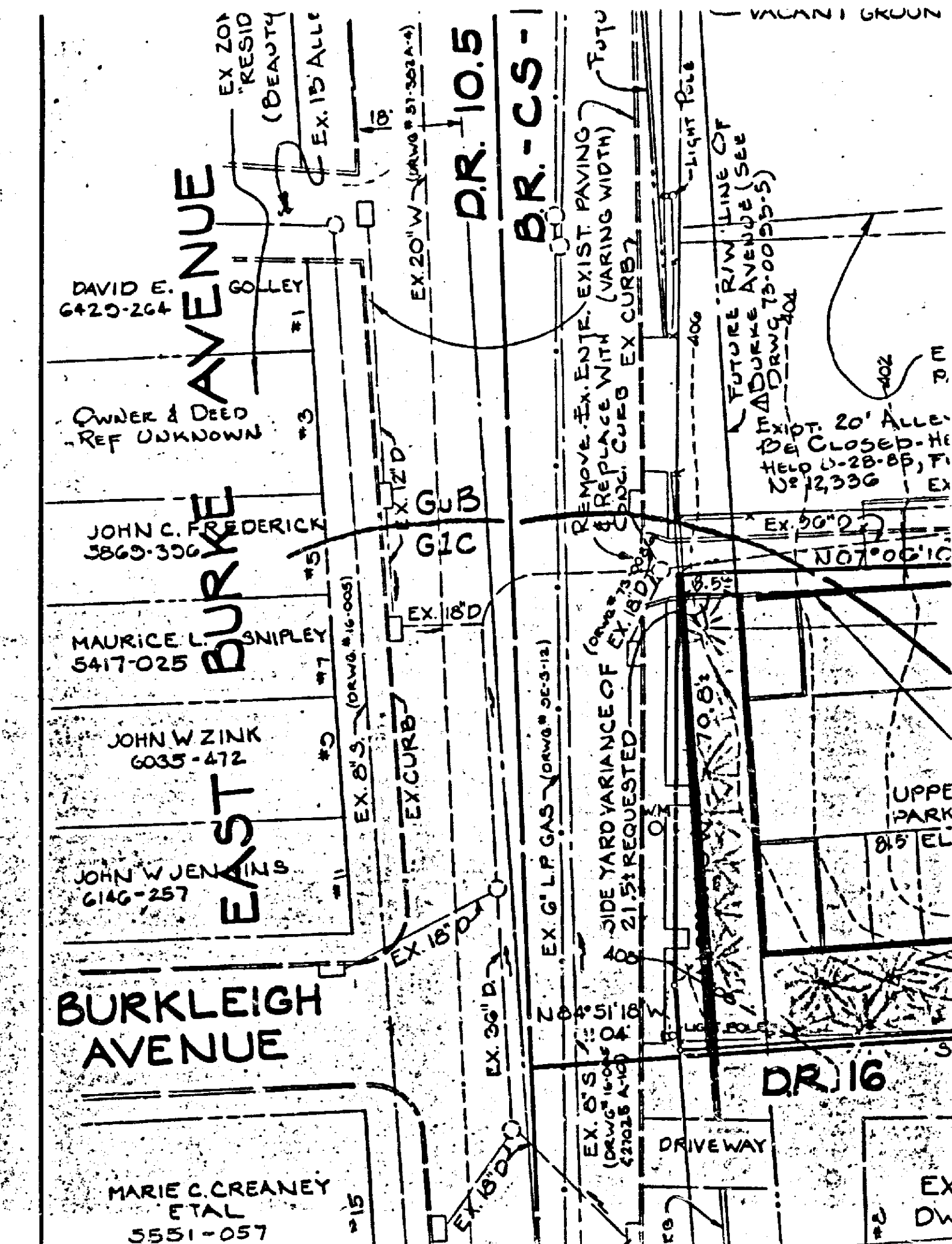
The access on Linden Terrace needs to intersect at closer to a 90 degree angle, also it should be noted that the Department of Traffic Engineering may prohibit right turns onto Linden Terrace.

The proposed widening for Linden Terrace needs to have an adequate taper
back to existing paving.

Additional right-of-way will be needed on Burke Avenue.

C. Richard Moore (for CRM)
C. Richard Moore
Deputy Director of Traffic Engineering

CRM/GMJ/bld



AUG 8 1981

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Cass Warfield Date: September 13, 1985

FROM: Charles K. Weiss
Forty York
40 York Road
SUBJECT: CRG 10/2/85

Baltimore County does not provide commercial refuse collection.

In review of this plan I see no area allotted for trash collection containers nor any note of special handling to be done with the trash.

With the size of this project we would anticipate a high generation of trash & some proposal must be provided prior to approval by our bureau.

CRG/KRA/rab

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Brooks Stafford, Director
Environmental Support Services
Date: Oct 1, 1985

FROM: South Platt
Waste and Water Quality Management
SUBJECT: ENVIRONMENTAL EFFECTS REPORT FORTY YORK
(Name)

CRG MEETING Oct 2, 1985 10:00
(Date) (Time)

PLAN REVIEW NOTES

1. Retail and office building on 1.34 acres.
(Describe site)
2. Public water and public sewer is proposed.
3. No streams on site.
(Describe streams on-site)
5. No wetlands on site.
(Describe wetland soils on-site)
6. Storm Water Management required.
7. proposed impervious area.

RESPONSES

- ☒ The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met.
- ☒ The Environmental Effects report is approved, subject to the following checked items/conditions.
- A. No development is allowed in (Soil/name & symbol)
- B. A revised site plan indicating no development in must be submitted.

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS
BALTIMORE COUNTY DEPARTMENT OF HEALTH

10-1-85
Date

FORTY YORK
Subdivision Name, Section and/or Plat

JHP Development, Inc. Kiddie Consultants
Developer and/or Engineer

John Falls 1.36 Public Public
Watershed No. of Lots Total Acreage Water Sewer
or Units

COMMENTS ARE AS FOLLOWS:

- Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.
- Soil percolation test have been conducted. Revised plans, must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.
- Public sewers ☒, public water ☒, must be utilized and/or extended to serve the property.
- A Hydrogeological Study and Environmental Effects Report for this subdivision, are not required, is incomplete and must be revised, has/have been reviewed and approved.
- A Water Appropriation Permit Application, must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.
- It is recommended the plan, be approved as submitted, be approved as submitted subject to the following conditions noted: on the attached
plans dated 10-1-85
- It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS:

SS 783R

Mr. Brooks Stafford
Environmental Effects Report FORTY YORK
(Name)

Page Two

- ☒ 1. The developer must follow the Health Department Wetland Guidelines.
2. (Other)
- C. BEST MANAGEMENT PRACTICES
- ☒ 1. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.
- ☒ 2. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
- ☒ 3. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
- ☒ 4. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.
- ☒ 5. Filling will not occur in grassed or lined drainage ditches or swales.
6.

tpms

BALTIMORE COUNTY, MARYLAND

DATE: SEPTEMBER 19, 1985

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: BALTIMORE COUNTY FIRE DEPARTMENT, FIRE PREVENTION BUREAU, PLANS REVIEW DIVISION
CAPTAIN JOSEPH KELLY

PROJECT NAME: FORTY YORK

PROJECT NUMBER: CRG AGENDA 10-2-85, 10:00 AM

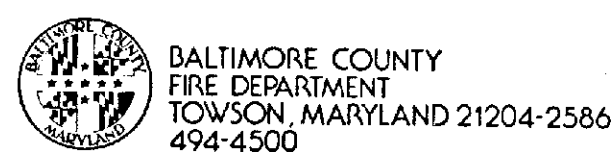
LOCATION: 40 YORK RD

DISTRICT # 9

COMMENTS:

CRG 01
PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE, 1981 EDITION.

CRG 04
ACCESS ROADS SHALL BE POSTED WITH FIRE LANE SIGNS ALONG ITS ENTIRE LENGTH.



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4300

PAUL H. RENCKE
CHIEF

September 26, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Jack H. Pechter, et al

Location: SE corner of York Rd. and Linden Terrace

Item No.: 108

Zoning Agenda: Meeting of 9/24/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

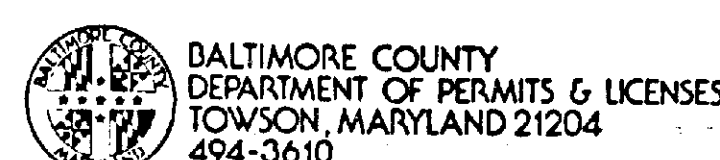
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Driveways shall be posted with No Parking signs.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: CRG 10/2/85 Noted and
Planning Group Approved: John F. O'Neill
Special Inspection Division Fire Prevention Bureau

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-0010

November 11, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #108 Zoning Advisory Committee Meeting are as follows:

Property Owner: Jack H. Pechter, et al
Location: SE corner of York Road and Linden Terrace
District: 9th.

APPLICABLE ITEMS ARE CIRCLED:

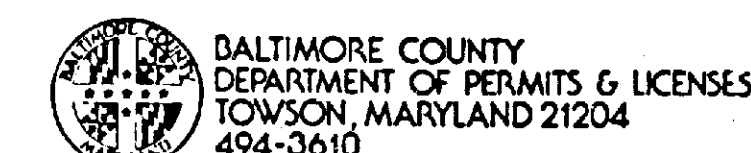
- (1) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.B.S.I. #117-1 - 1985) and other applicable Codes and Standards.
- (2) A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- (3) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1108.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
- H. When filing for a required Change of Use/occupancy Permit, an alternative permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use or to Mixed Use . See Section 313 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood/Riverine. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

SPECIAL NOTE:

- (1) Comments: See Section 313.0 for fire separation of use groups. Exits may or may not be satisfactory. Determination cannot be made until a proposed floor plan showing access to exits is provided. Dead end corridors are limited to 20'-0". See Section 810.0. See also Sections 807.3, 809.0, 812.2 etc.
- K. If no abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit, if desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 11 V. Chesapeake Avenue, Towson, Maryland 21204.

By: C. E. Burman, Chief
Building Plans Review

11/6
86-200



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

November 21, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #108 Zoning Advisory Committee Meeting are as follows:

Property Owner: Jack H. Pechter, et al (CRG)
Location: SE corner of York Road and Linden Terrace
District: 9th.

APPLICABLE ITEMS ARE CIRCLED:

- (1) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.B.S.I. #117-1 - 1985) and other applicable Codes and Standards.
- (2) A building and other miscellaneous permits shall be required before the start of any construction. Permits are required for items such as elevators, trash enclosures, retaining walls, parking garages, main structures, etc. See Use Schedules available in Item 100.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- (3) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1107, Section 1108.2 and Table 1102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) of the Baltimore County Building Code.
- H. When filing for a required Change of Use/occupancy Permit, an alternative permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use to Use or to Mixed Use . See Section 313 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Flood/Riverine. Please see the attached copy of Section 216.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

- (2) Comments: See Section 313.2 for fire separation of uses. Assuming the 2nd level parking is open comply with Section 617.0 including sprinklers in the basement or lower level, Section 617.4. Exits shall comply to 809.5. If the ramp is to be considered for exiting provide pedestrian facilities on the side of the ramp. Exits shall be remote Section 607.3.
- K. If no abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit, if desired the applicant may obtain additional information by visiting Room 112 of the County Office Building at 11 V. Chesapeake Avenue, Towson, Maryland 21204.

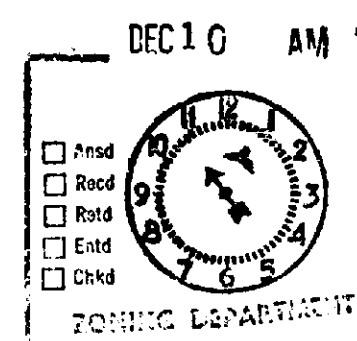
By: C. E. Burman, Chief
Building Plans Review

See Section 1702.23 as amended by Bill #17-85
for sprinkler requirements of structure.

AUG 8 1989

To:
The Zoning Commissioner
County Office Building
Towson, Md. 21204

December 9th 1985



APPEAL TO THE BALTIMORE COUNTY
BOARD OF APPEALS

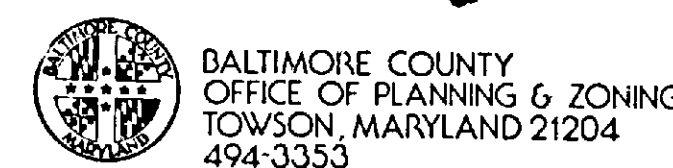
Dear Commissioner,

On behalf of the Linden Village Community Association and myself as adjoining property owner at #4 Linden Terrace we would like to appeal the decision made on November 12th 1985 which forced the Jack Pechter Enterprises in their request and petition for a variance set back from the required 30 feet to only 10 feet from my property. The case # is 86-200-A. Please attaching the appropriate fee to cover the cost of the appeal along with this letter.

Sincerely,

The Linden Village Community Assoc.
Box 5501
Towson, Md. 21204

William H. Mathews,
Property Owner (4 Board Members of LVCA)
#4 Linden Terrace
Towson, Md. 21204



ARNOLD JABLON
ZONING COMMISSIONER

December 10, 1985

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR VARIANCE
SE/corner of York Road
and Linden Terrace -
9th Election District
Jack H. Pechter, et al,
Petitioners
Case No. 86-200-A

Dear Mr. Howard:

Please be advised that an appeal has been filed by William H. Mathews, protestant and Board Member of the Linden Village Community Association, from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bg

cc: Mr. Arthur Brandan
32 York Road
Towson, Maryland 21204

Ms. Carol Ukens
Towson Times
305 Washington Avenue
Towson, Maryland 21204

People's Counsel

10-24-85

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21204

October 10, 1985

JAMES H. COOK
JOHN B. HOWARD
DAVID D. DOWNES
DAVID D. TRACY, JR.
JOHN M. ZINK, III
JOSEPH C. WICK, JR.
HENRY B. PECK, JR.
HERBERT R. O'CONNOR, III
THOMAS L. HUDSON
C. CAREY DEELEY, JR.
GEORGE R. REYNOLDS, III
LAWRENCE L. HOOPER, JR.
H. KING HILL, III
ROBERT A. HOFFMAN
DEBORAH C. DOPKIN
CYNTHIA M. HARRIS
PATHEEN M. GALLOGLY
KEVIN R. SMITH
K. BARRITT PETERSON, JR.

James Dyer, Zoning Supervisor
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
Property located at 40 York Road
JHP Development, Inc. - Petitioner
Item No. 108

Dear Mr. Dyer:

As we discussed by phone, the financing of real estate projects through a county bond issue can present certain inflexible time constraints. JHP Development, Inc. ("JHP") is seeking IRB financing for the above referenced project. The County Council must pass an inducement resolution and settlement on the sale of the bonds must all occur before the end of the year.

Since zoning approvals are a necessary step in having an application for IRB financing accepted, JHP respectfully requested that an expedited hearing be set so that the bond financing timetable can be met.

In response to our request you have indicated that this hearing will be scheduled on November 6, 1985. Thank you very much for your cooperation and assistance in solving this problem.

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH/jhr

cc: Jean Jung, Deputy Zoning Commissioner

JFD Recd. Wk. of
10-8-85



Otto W. Koelling
Consultant Forester

13000 DULANEY VALLEY RD. GLEN ARM, MD. 21057
301-592-8798

November 5, 1985

William Mathews
4 Linden Terrace
Towson, Maryland 21204

Dear Mr. Mathews,

The trees along the York Road side of 4 Linden Terrace were examined by myself in your presence.

There are fourteen trees that may be affected by the construction on the adjacent property in one way or another. The degree of effect will depend on how close the construction activity is to the trees and how high the structure will stand. Lighting on or around the finished structure will effect the photoperiod of the trees. This could cause frost damage.

There are six white pine planted in two rows among the other trees. One row is one foot from the line fence and the other is seven feet from the fence. They vary in height from eight feet to forty feet tall. Pruning of the pines would not be needed unless the construction is closer than twenty feet.

The one flowering dogwood is about twelve from the sidewalk and one foot from the fence. Construction closer than twenty feet will require severe pruning. An ash tree forty one inches in diameter is located sixteen feet from the line fence. This large a tree has a wide spreading crown. If construction is too close pruning could have an adverse effect.

The tree that will most severely be effected is a forty inch diameter boxelder. About one half the crown and a large portion of the roots will be lost if the construction is too close. This could kill this tree.

Construction nearer than twenty feet will require the removal of as much as 80 % of the crown on the more trees. They are a thirteen inch Norway maple and a thirteen inch downy serviceberry. Two more thirteen inch boxelders are near the fence.

Last but not least is a forty two inch diameter black walnut. This tree is next to the fence. Its size requires plenty of growing space.

All these trees go to make a green barrier between the residence and the new construction. The closer the construction the greater the risk to the trees. Excavation near the trees also poses a threat by changing the ground water

PROTESTANT'S
EXHIBIT 1

available to them. The height of the structure will create an increase in shading of the area. This can reduce the health of the trees.

In my opinion the full spacing of thirty feet should be required to insure the health of the trees. Any closer than twenty feet will more than likely cause the death of one or more of the trees. Construction activity must take place in the set back area. This poses another threat to the existing trees.

I hope you find this helpful. If you have any questions, please feel free to contact me.

Sincerely,

Otto W. Koelling
Otto W. Koelling
Consultant Forester



DEPARTMENT OF NATURAL RESOURCES
MARYLAND FOREST SERVICE
718 BELAIR ROAD
BEL AIR, MARYLAND 21034
PHONE (301) 673-2334

October 3, 1985

Dear Sir,

In response to our meeting of October 1, 1985, I must correct an error that I made. I said not to fertilize after cutting into the root area. After root cutting, a fertilizer should be applied using a fertilizer that will stimulate root growth. It should be one with a higher percentage of phosphorous. It is my recommendation that a ten foot undisturbed area be maintained between the property line and the outer most edge of the drainage swale. The drainage swale should not be considered as part of the undisturbed area. The trees in the excavated area should be trimmed to bring the crown and the root system back into a balanced state. It is also my recommendation that the large box elder (acer negundo) be removed due to its poor condition.

The large black walnut (juplans nigra) should also be removed due to its condition. In order to improve the appearance of the remaining small tree, I suggest the removal of the suppressed white pine (pinus strobus) and to be replaced with a more tolerant species. All trimming and fertilizing should be done by a registered tree expert company.

For more information please call Maryland Forest Parks and Wildlife Service at 665-5820.

Sincerely,

Charles D. Robertson
Charles D. Robertson

PETITIONER'S
EXHIBIT 1

AFFIDAVIT

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 5th day of November, 1985, personally appeared *Robert A. Hoffman* before the undersigned, a Notary Public in and for the County and State aforesaid, and he made oath in due form of law that he is currently a duly elected member of the Board of Directors of The *Buckleigh Square Community Association*.

Robert A. Hoffman
Notary Public

My Commission Expires:

July 1986

PETITIONER'S
EXHIBIT 2

TOWSON MANOR VILLAGE, INC.
Towson, Maryland 21204

Case # 86-200-A
Item # 102

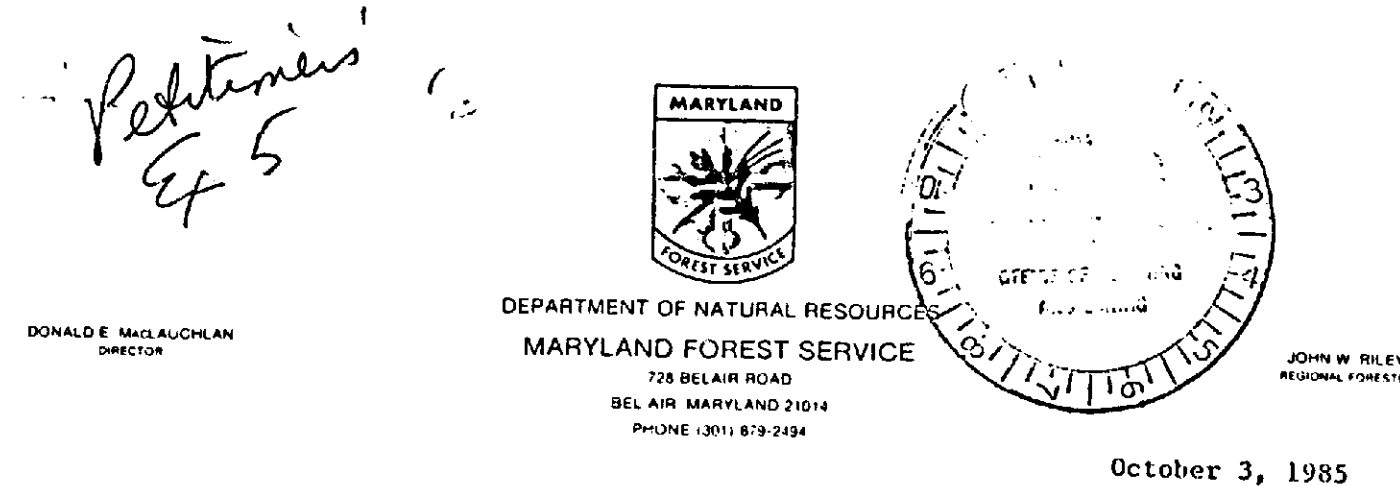
Dear Sir,

The Board members of Towson Manor Village, Inc. have unanimously approved of the project known as 40 York, and do not contest the set backs that are being proposed.

We recommend no changes in the building or site and wish to see it started as soon as possible.

Yours truly,
John B. Jarboe
President

PETITIONER'S
EXHIBIT 3



October 3, 1985

Dear Sir,

In response to our meeting of October 1, 1985, I must correct an error that I made. I said not to fertilize after cutting into the root area. After root cutting, a fertilizer should be applied using a higher percentage of phosphorous. It is my recommendation that a ten foot undisturbed area be maintained between the property line and the outer most edge of the drainage swale. The drainage swale should not be considered as part of the undisturbed area. The trees in the excavated area should be trimmed to bring the crown and the root system back into a balanced state. It is also my recommendation that the large box elder (acer negundo) be removed due to its poor condition.

The large black walnut (juglans nigra) should also be removed due to its condition. In order to improve the appearance of the remaining small tree, I suggest the removal of the suppressed white pine (pinus strobus) and to be replaced with a more tolerant species. All trimming and fertilizing should be done by a registered tree expert company.

For more information please call Maryland Forest Parks and Wildlife Service at 665-5820.

Sincerely,

Charles D. Robertson

Charles D. Robertson

A & A TREE EXPERTS, INC.

7081 MILFORD INDUSTRIAL ROAD
Pikesville, Md. 21208-6098
486-4561 486-2844

October, 1984

RESUME - MATTHEW C. ANACKER

Personal

Born: June 1, 1945; Riverdale, Maryland
Health: Excellent

Education

1965: Graduated from Stockbridge School of Agriculture at the University of Massachusetts with an Associate Degree in Arboriculture and Park Management. Graduated from the University of Georgia, School of Environmental Design, with a Bachelor of Landscape Architecture Degree.

Professional Experience

1968: The Rouse Company, Inc.
Progressed from Junior Landscape Architect to Senior Landscape Architect, handling project administration, feasibility studies, grading studies, planting plans, park and recreation planning and design, cost estimating and contract supervision.

1974: Ten Oaks Nursery and Gardens, Inc.
Advanced to Chief Landscape Architect, managing the design division of the former Rouse Company subsidiary, supervising park and open space design, planting design, and project administration for commercial and residential developments.

1976: M. C. Anacker & Associates, Inc.
As president of this landscape architecture and planning corporation, responsible for cost estimating, coordinating consultants, park and open space planning, historic restoration, site planning, planting design, and supervision for residential, commercial and industrial projects.

1983: A & A Tree Experts, Inc.
As vice president, responsibilities include managing sales division, cost estimating, tree appraisals & evaluations, and consultations on a variety of tree preservation projects in the metropolitan region.

License and Registration

1970: Maryland Licensed Tree Expert #184
1975: Maryland Registered Landscape Architect #296

Professional Memberships

International Society of Arboriculture, Mid-Atlantic Chapter
National Arborist Association
Maryland Arborist Association (Secretary/Treasurer 1978-82; Secretary 1982-present)
American Society of Landscape Architects - Maryland Chapter (Secretary 1975-79)
Maryland Association of Landscape Architects (Treasurer 1970-76)

Licensed and Fully Insured. Members: Maryland Arborists Association • International Society of Arboriculture



A & A TREE EXPERTS, INC.

7081 MILFORD INDUSTRIAL ROAD
Pikesville, Md. 21208-6098
486-4561 486-2844

January 7, 1986

To: Tim Madden

From: Matt Anacker

Re: 40 York Office Site - Tree Preservation Plan

TD	1. 10" Twin Leaved Flowering Dogwood - P. C-I, TL, CB & E 6-8 Ft for B & S.....\$60.00
GS	2. 8" Eastern White Pine - Crowded - TD, SS.....\$60.00
GS	2a.GS - 6-8" below grade.....\$45.00
TD	3. 8" Eastern White Pine - P. C-I, TL, E for B & S.....\$40.00
GS	4. 36" American Boxelder - Very Weak - TD, SS.....\$720.00
GS	4a.GS - 6-8" below grade.....\$340.00
GS	5. 10" Norway Maple - P. C-I, TL, CB to RS.....\$90.00
GS	6. 12" American Service Berry - P. C-I, TL, E 8-10 Ft & CB to RS as needed.....\$75.00
GS	7. 12" American Boxelder - P. C-I, TL, E 8-10 Ft & CB to RS as needed.....\$75.00
GS	8. 36" Black Walnut - With Hollow Base - P. C-II, TL, E for B & S as needed.....\$360.00
OPT.	8a.TD, SS.....\$960.00 = \$1,440.00 - S.T. (\$2,945.00) SUB-TOTAL \$1,865.00
OPT.	8b.GS - 6-8" below grade.....\$480.00

A D D I T I O N A L R e c o m m e n d a t i o n s -	
C-I	9. 24" European Linden - Between Sidewalk & Curb - P. C-II, TL, E 15-18 Ft B&S \$180.00
C-I	9a.Cabling - Provide & install one (1) 1/4" Steel Supporting A S T.....\$60.00
C-I	10. 8" Twin Leaved Weeping Cherry - P. C-I, TL, E for B & S as needed.....\$40.00
C-I	11. 15" Black Walnut - P. C-II, TL, E for B & S.....\$65.00
C-I	12. 12" Norway Maple - P. C-I, TL, E for B & S.....\$40.00
C-I	13. 8" Norway Maple - P. C-I, TL, E for B & S.....\$40.00
C-I	14. 10" Twin Leaved Norway Maple - P. C-I, TL, E for B & S.....\$90.00
RD/RAKE	Plus Underbrush, Etc. PLUS OPTION -S.T. (\$3,460.00) SUB-TOTAL \$3,515.00

GRAND TOTAL.....\$2,380.00

Fertilizer - One (1) 550 Gallon Load - Spring or Fall '86.....\$360.00

INSPECTION - Check property trees & Shrubs Summer '86 or '87 and advise.....No Charge

TOTAL BUDGET RECOMMENDATIONS.....(\$3,820.00).....\$2,740.00

If we can be of any further service please do not hesitate to give me a call.

Sincerely,

Matthew C. Anacker, V. P.
Matthew C. Anacker, V. P.
Maryland Licensed Tree Expert # 184
Maryland Registered Landscape Architect # 296

CC: Mr. Ronald L. Drem, General Manager
Mr. Rodney B. Jones, Office Manager
Licensed and Fully Insured. Members: Maryland Arborists Association • International Society of Arboriculture

IN THE MATTER OF THE
CLOSING OF A PORTION OF
THE PAPER ALLEY

* BEFORE THE
* COUNTY EXECUTIVE
* OF
* BALTIMORE COUNTY
*

ORDER

WHEREAS, the Petitioners petitioned to close a portion of an unnamed paper alley in the Ninth Election District of Baltimore County, Maryland; and

WHEREAS, a Notice of said closing was published in a local Baltimore County newspaper giving notice by publication of the intention to close said portion of said paper alley; and

WHEREAS, the Petitioners are abutting property owners; and

WHEREAS, a hearing as set forth in the advertisement hereinbefore referred to, was held on August 28, 1985 in the County Solicitor's Office, Mezzanine, Old Court House, Towson, Maryland 21204 for the purpose of receiving objections; and

WHEREAS, the County Administrative Officer has found that the said portion of the unnamed paper alley off

PETITIONER'S
EXHIBIT 6

of Burke Avenue in Towson is not necessary for public travel or convenience.

NOW THEREFORE, it is this 30th day of September 1985, by Baltimore County, Maryland

ORDERED that the hereinbelow described portion of an unnamed paper alley be and the same is hereby closed as follows:

BEGINNING FOR THE SAME on the north side of East Burke Avenue, of variable width as shown on Baltimore County Department of Public Works Bureau of Land Acquisition Right of Way Plat No. FRW-74-172-5, at a point distant 174.47 feet, measured easterly along said north side of East Burke Avenue from its intersection with the east side of York Road as shown on Baltimore County Department of Public Works Bureau of Land Acquisition Right of Way Plat No. FRW-74-172-6, said place of beginning also being on the west side of an alley, 20 feet wide, as laid out and shown on the plat of property of Henry L. Bowen, recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 2, folio 139, thence leaving East Burke Avenue and running and binding on the west side of said 20 foot alley, and in part binding on the 2nd line of land which by deed dated February 18, 1972, and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 5251, folio 016, was conveyed by Marion A. Holden to Arthur A. Brandau and wife, and in part binding reversely on the 3rd line of land which by deed dated December 29, 1969, recorded among the Land Records of Baltimore County in Liber O.T.C. No. 5063, folio 123, was conveyed by Addie Pearl Ignozzi, widow, to Arthur A. Brandau and wife, and in part binding on the 3rd line of land which by deed dated August 17, 1976, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5674, folio 739,

2

was conveyed by Clarence L. Hollenshade, Jr. and Clarence L. Hollenshade, III to Lawrence M. Kammer and Jerome Welner, in all, referring all courses of this description to the Grid Meridian as established by the Baltimore County Metropolitan District, (1) North 07 degrees 06 minutes 10 seconds East 174.06 feet to a bend in said 20 foot alley, thence running and binding on the north side of said 20 foot alley and also binding reversely on a part of the 3rd line of the land which by deed dated July 23, 1976, recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5661, folio 091, was conveyed by Solomon Kammer and Lawrence M. Kammer to Lawrence H. Kammer (2) South 88 degrees 12 minutes 42 seconds East 80.00 feet to the beginning of said 3rd line of the last hereinafter mentioned deed, thence leaving the north side of said 20 foot alley and running through the bed thereof, (3) South 11 degrees 22 minutes 00 seconds East 20.67 feet to the south side of said 20 foot alley, thence running and binding on the south side thereof (4) North 86 degrees 17 minutes 10 seconds East 3.74 feet to a bend in said alley, thence still binding on the south side of said 20 foot alley and in part binding on the 3rd line of the land which by deed dated July 29, 1974, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5666, folio 646, was conveyed by Ann Miser and Saville Jamney to Jerome Welner, and in part binding on the 4th line of the land which by deed dated October 9, 1971, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5325, folio 988, was conveyed by Francis W. Utz and wife to Jerome Welner, in all (5) North 88 degrees 12 minutes 42 seconds West 62.74 feet to another bend in said 20 foot alley, thence running and binding on the east side of said 20 foot alley and on a part of the 5th line of the last hereinafter mentioned deed, (6) South 07 degrees 06 minutes 10 seconds West 156.69 feet to the north side of the aforesaid East Burke Avenue, thence running and binding on the north side thereof. (7)

3

North 80 degrees 27 minutes 18 seconds West 20.02 feet to the place of beginning.

CONTAINING 4,772.23 square feet or 0.1096 acre of land, more or less.

ALL as shown on the attached drawing.

Said Closing subject, however, to reserving unto those certain properties which are both:

1. situate either on the south side of Linden Terrace or on the north side of East Burke Avenue; and
2. which have no means of access to the remaining portion of the alley which abuts such properties

pedestrian access through the easternmost fifteen foot (15') portion of the property known as 6 East Burke Avenue, as the same may be landscaped or otherwise improved pursuant to the Baltimore County Development Regulations.

Said closing subject, however, to Baltimore County, Maryland, a body corporate and politic, reserving and retaining therein any easements, expressed, proposed or implied, including but not limited to slope, water, sewer and storm drains.

ADOPTED this 30th day of September, 1985.

ATTEST: BALTIMORE COUNTY, MARYLAND

Paul J. Angell
By: *Paul J. Angell*
Administrative Officer

4

Reviewed for form and legal sufficiency and approved for execution:

Paul J. Angell
Assistant County Attorney

5

AUG 6 1986

VITA

Timothy F. Madden, ASLA, AICP
Director of Planning
Kidd Consultants, Inc.
1020 Cromwell Bridge Road
Baltimore, MD 21204

○

PROFESSIONAL BACKGROUND

SUMMARY: With more than eight years experience in land planning and landscape architecture, Mr. Madden has managed commercial, institutional, industrial, recreational and residential projects. He has provided testimony in many zoning and site plan review hearings and court cases. Mr. Madden has testified as an expert witness in Anne Arundel County Circuit Court case as well as testifying before the Planning Commissions of Charles County, Howard County, Calvert County, Anne Arundel County, Baltimore County and Carroll County. He has also worked for the Maryland Department of Natural Resources and is a past President of the Maryland Chapter, American Society of Landscape Architects.

PRESENT POSITION: Mr. Madden serves Kidd Consultants, Inc. as the Chief of the Planning and Zoning section of the Urban Planning and Development Division of the Eastern Region. In this capacity, Mr. Madden is responsible for the preparation of land use studies, zoning justification reports, concept development and planning, as well as providing expert testimony regarding zoning and site plan review projects.

Some of Mr. Madden's current projects include:

- Land use study for the Painters Mill Joint Venture, a 200+ acre site zoned for high density, mixed use development.
- Preparation of case exhibits and testimony for condemnation proceedings "Baylin et al vs. Maryland SHA." Consultant to Baylin et al.
- Preparation of case exhibits and testimony for Condemnation proceedings "Hutzel vs. Baltimore County." Consultant to Baltimore County.
- Preparation for Planned Unit Development Documents for South Point, a planned community development located on the Chincoteague Bay.

Mr. Madden's experience includes work as an Associate Landscape Architect with the landscape architectural firm of G.L. Rupert & Associates. During his tenure with this firm Mr. Madden was extensively involved in Land Use Analysis projects and recreation planning efforts. In addition, Mr. Madden prepared schematic

AUG 8 1988

10-24-85
JED Ried, Jr. of
10-8-85

LAW OFFICES
COOK, HOWARD, DOWNES & TRACY
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 832-4411
TELECOPIER (301) 821-0147

October 10, 1985

James Dyer, Zoning Supervisor
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variance
Property located at 40 York Road
JHP Development, Inc. - Petitioners
Item No. 108

Dear Mr. Dyer:

As we discussed by phone, the financing of real estate projects through a county bond issue can present certain inflexible time constraints. JHP Development, Inc. ("JHP") is seeking IRB financing for the above referenced project. The County Council must pass an inducement resolution and settlement on the sale of the bonds must all occur before the end of the year.

Since zoning approvals are a necessary step in having an application for IRB financing accepted, JHP respectfully requested that an expedited hearing be set so that the bond financing timetable can be met.

In response to our request you have indicated that this hearing will be scheduled on November 6, 1985. Thank you very much for your cooperation and assistance in solving this problem.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/jhr
cc: Jean Jung, Deputy Zoning Commissioner

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

October 10, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
SE/corner York Rd. & Linden Terrace
9th Election District
Jack H. Pechter, et al - Petitioners
Case No. 86-200-A

TIME: 9:30 a.m.

DATE: Wednesday, November 6, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE: REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 012670
DATE: 11-16-85
ACCOUNT: 108-615-000
AMOUNT: \$ 100.00
RECEIVED FROM: *Edgar for R. Ried*
FOR: *Edgar for R. Ried*
VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCES
SE/corner York Rd. and
Linden Terrace, 9th District
JACK H. PECHTER, et al.,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-200-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy Zoning Commissioner
Rm. 223, Court House
Towson, MD 21204
494-2188

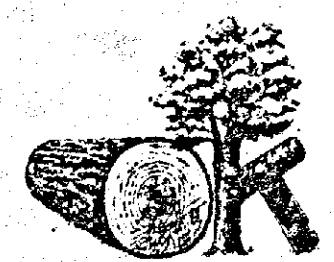
I HEREBY CERTIFY that on this 16th day of October, 1985, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Protestants

56 Green Yards
Case # 86-200-A
Item # 108
Nov. 6-85

Norothy Brandon - 32 York Rd - Balto. Md. 21204
Charles A. B. Edgel - 6 Linden Terr. 21204
James E. Eagler - 14 E. Burke Ave 21204
William H. Mathews - 12 E. BURKE AVE 21204
William H. Mathews - 4 Linden 21204



Otto W. Koelling
Consultant Forester

13000 DULANEY VALLEY RD. GLEN ARM, MD. 21087
301-582-8788

November 5, 1985

William Mathews
4 Linden Terrace
Towson, Maryland 21204

Dear Mr. Mathews,

The trees along the York Road side of 4 Linden Terrace were examined by myself in your presence.

There are fourteen trees that may be affected by the construction on the adjacent property in one way or another. The degree of effect will depend on how close the construction activity is to the trees and how high the structure will stand. Digging on or around the finished structure will effect the photoperiod of the trees. This could cause frost damage.

There are six white pine planted in two rows among the other trees. One row is one foot from the fence and the other is seven feet from the fence. They vary in height from eight feet to forty feet tall. Pruning of the pines would not be needed unless the construction is closer than twenty feet. The one flowering dogwood is about twelve from the sidewalk and one foot from the fence. Construction closer than twenty feet will require severe pruning.

An ash tree forty one inches in diameter is located sixteen feet from the line fence. This large tree has a wide spreading crown. If construction is too close pruning could have an adverse effect.

The tree that will most severely be affected is a forty inch diameter boxelder. About one half the crown and a large portion of the roots will be lost if the construction is too close. This could kill this tree.

Construction nearer than twenty feet will require the removal of as much as 80% of the crown on two more trees. They are a thirteen inch Norway maple and a thirteen inch Norway spruce. Two more thirteen inch boxelders are near the trees.

At least one tree is a forty two inch diameter black walnut. This tree is next to the fence. Its size requires planting of growing space.

All these trees go between a green barrier between the residence and the new construction. The closer the construction the greater the risk to the trees. Excavation near the trees also poses a threat by changing the ground water

PROTESTANT'S
EXHIBIT 1

available to them. The height of the structure will create an increase in shading of the area. This can reduce the health of the trees.

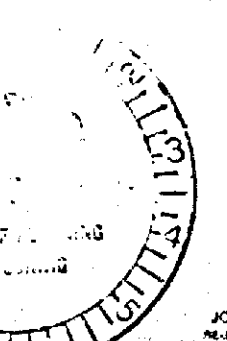
In my opinion the full spacing of thirty feet should be required to insure the health of the trees. Any closer than twenty feet will more than likely cause the death of one or more of the trees. Construction activity must take place in the set back area. This poses another threat to the existing trees.

I hope you find this helpful. If you have any questions, please feel free to contact me.

Sincerely,
Otto W. Koelling
Otto W. Koelling
Consultant Forester



DEPARTMENT OF NATURAL RESOURCES
MARYLAND FOREST SERVICE
728 BELAIR ROAD
BEL AIR, MARYLAND 21034
PHONE (301) 678-2334



October 3, 1985

Dear Sir,

In response to our meeting of October 1, 1985, I must correct an error that I made. I said not to fertilize after cutting into the root area. After root cutting, a fertilizer should be applied using a higher percentage of phosphate root growth. It should be one with a foot undisturbed area be maintained between the property line and the outer most edge of the drainage swale. The trees in the excavated area should be trimmed to bring the crown and the root system back into a balanced state. It is also my recommendation that the large box elder (acer negundo) be removed due to its poor condition.

The large black walnut (Juglans nigra) should also be removed due to its condition. In order to improve the appearance of the remaining small tree, I suggest the removal of the suppressed white pine (pinus strobus) and to be replaced with a more tolerant species. All trimming and fertilizing should be done by a registered tree expert company.

For more information please call Maryland Forest Parks and Wildlife Service at 665-5820.

Sincerely,
Charles D. Robertson
Charles D. Robertson

PETITIONER'S
EXHIBIT 1

Resolution adopted at the Annual meeting of the Association on September 17, 1985.

Be it resolved by Burleigh Square Comm. Ass. that the Board of Directors, having been empowered with the responsibility for review and action on all zoning matters, hereby goes on record that it is in support of the requested variances for the development of an office building at 40 York Road, in Zoning Case Number 86-200-A. Petitioners in this case have worked closely with this Association in presenting the plan now before the Zoning Commissioner and the Association respectfully submits that an undue hardship or practical difficulty would result if the variances are not granted.

Melville Zaborah
President

Attest:
Carol Lynch
Secretary

PETITIONER'S
EXHIBIT 2a

Reviewed for form and legal
sufficiency and approved
for execution:

Paul G. Jones
Assistant County Attorney

KIDDE CONSULTANTS, INC.
Subsidiary of Kidde, Inc.

1020 Cromwell Bridge Road
Baltimore, Maryland 21204
(301) 321-5500

Direct Dial Number
321-5557

DESCRIPTION

1.3591 ACRE PARCEL

SOUTHEAST CORNER OF YORK ROAD AND LINDEN TERRACE

9TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

This Description is for yard variances in a BR Zone

Beginning for the same at the point of intersection of the east
right-of-way line of York Road with the fillet line of Linden
Terrace, thence binding of the south side of Linden Terrace the two
following courses and distances: (1) N 46° 26' 17" E 4.34 feet and
(2) N 86° 17' 10" E 215.89 feet, thence the three following courses
and distances: (3) S 04° 58' 30" W 168.94 feet, (4) S 11° 22' 00" E
20.67 feet, (5) S 05° 09' 30" W 165.51 feet to intersect the north
side of East Burke Avenue, thence binding on the north side of East
Burke Avenue the following two courses: (6) N 84° 51' 18" W 11.04
feet, (7) N 08° 27' 18" W 70.8 feet, more or less, thence the
following two courses and distances: (8) N 07° 06' 10" E 114.5 feet,

CONSULTING ENGINEERS

KIDDE CONSULTANTS, INC.
Subsidiary of Kidde, Inc.

more or less, (9) N 85° 04' 30" W 162.7 feet, more or less to
intersect the east side of York Road, thence binding on the east side
of York Road the following two courses and distances:
(10) N 12° 42' 22" E 44.58 feet, thence (11) by a curve to the left
with a radius of 1,445.50 feet, the arc distance of 154.02 feet to
the place of beginning.

Containing 1.3591 acres of land, more or less.

RLS:rjm

J.O. 01-84090

Sept. 5, 1985



RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
SE/Corner York Rd. and : OF BALTIMORE COUNTY
Linden Terrace, 9th District :
JACK H. PECHTER, et al., : Case No. 86-200-A
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the
above-captioned matter. Notices should be sent of any hearing dates
or other proceedings in this matter and of the passage of any prelim-
inary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of October, 1985, a copy
of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire,
210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 30, 1985

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Variance
SE/Corner York Rd. & Linden Terrace
9th Election District
Jack H. Pechter, et al - Petitioners
Case No. 86-200-A

Dear Mr. Howard:

This is to advise you that \$82.25 is due for advertising
and posting of the above property. This fee must be paid before
an Order is issued.

This fee must be paid and the zoning sign and post returned
on the day of the hearing. Do not remove sign until day of the
hearing.

Please make the check payable to Baltimore County, Maryland,
and remit to Zoning Office, Room 113, County Office Building,
Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012435

DATE 11-6-85 ACCOUNT R-01-615-000

AMOUNT \$82.25

RECEIVED FROM *Bob Hoffman*

FOR *Objections and Petition 86-200-A*

8 8020*****522818 2081

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR VARIANCE
9th Election District

LOCATION: Southeast corner of York Road and Linden Terrace

DATE AND TIME: Wednesday, November 6, 1985 at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing:

Petition for Variances from Section 238.2 to permit a side yard setback
of 15' in lieu of the required 30', a side yard setback of 8.5' in lieu
of the required 30', and a rear yard setback of 10' in lieu of the required
30' and Section 238.1 to permit a front yard setback of 0' in lieu of the
required 25', and a front yard setback of 18' in lieu of the required 25'
on York Road.

Being the property of Jack H. Pechter, et al as shown on
the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within
the thirty (30) day appeal period. The Zoning Commissioner will, however, enter-
tain any request for a stay of the issuance of said permit during this period for
good cause shown. Such request must be received in writing by the date of the
hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 28, 1986

Mr. William Matthews
4 Linden Terrace
Towson, Md. 21204

Dear Mr. Matthews:

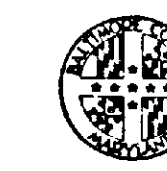
Re: Case No. 86-200-A
Jack H. Pechter, et al

Enclosed herewith is a copy of the Opinion and
Order passed today by the County Board of Appeals in the above
entitled case.

Very truly yours,
June Holmen
June Holmen, Secretary

Encl.

cc: John B. Howard, Esq.
Arthur Brandon
Carol Ukens
The Linden Village Comm. Assoc.
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean Jung
James Dyer



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SE/Corner of York Road
and Linden Terrace -
9th Election District
Jack H. Pechter, et al,
Petitioners
Case No. 86-200-A

Dear Mr. Howard:

I have this date passed my Order in the above captioned matter in accord-
ance with the attached.

Very truly yours,
JEAN M. H. JUNG
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

Mr. William Matthews
4 Linden Terrace
Towson, Maryland 21204

Mr. Arthur Brandon
32 York Road
Towson, Maryland 21204

Ms. Carol Ukens
Towson Times
305 Washington Avenue
Towson, Maryland 21204

AUG 8 1985

IN THE MATTER OF
THE APPLICATION OF
JACK H. PECHTER, ET AL
FOR VARIANCES ON PROPERTY
LOCATED ON THE SOUTHEAST
CORNER OF YORK RD. AND
LINDEN TERRACE
9TH DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 86-200-A

OPINION

This case comes before the Board as an appeal from the Order of the Deputy Zoning Commissioner, dated November 12, 1985, which granted, with restriction, the petition of Jack H. Pechter, et al, for setback variances. In his petition, the developer seeks variances from various setback requirements, to wit: a side yard setback of 15 feet in lieu of the required 30 feet, a side yard setback of 8.5 feet in lieu of the required 30 feet, a rear yard setback of 10 feet in lieu of 30 feet, a front yard setback of 18 feet in lieu of the required 25 feet, and a front yard setback of 0 feet in lieu of the required 25 feet where the interior corner of the parking structure touches the neighboring commercial property located on the southeast corner of York Road and East Burke Avenue. All of the requested variances, which seek relief from Sections 238.1 and 238.2 of the Baltimore County Zoning Regulations (BCZR) are fully detailed on the plan of this property drawn by Kilde Consultants and received by the Board as Petitioner's Exhibit No. 2.

The history of the proposed project is of note and no doubt well known by the members of the surrounding community. The property, which is zoned BR-CS1, was originally intended to be the site of a seven (7) story, 20,000 square foot complex, complete with 31 parking levels. These plans, originally presented in 1984, resulted in a storm of protest from the neighboring residents, chiefly those members of the Burkleigh Square Community Association and Towson Manor Village, Inc. After extensive negotiations, the developer agreed to reduce the height of his project, a major objection of the neighbors,

Jack H. Pechter, et al
Case No. 86-200-A

and as an alternative, spread the development out on site. This resulted in the compromise shown on Petitioner's Exhibit No. 1, which requires the requested variances in order to be implemented.

Although this compromise has won the support of the above mentioned community groups, the requested setback variances are objectionable to some of the immediate adjacent neighbors, including Mr. Matthews, the Protestant Appellant. Thus, to continue their struggle, these neighbors have seceded from the above mentioned community groups and formed a new association which opposes the petition.

In support of the petition, the developer produced a number of witnesses, including Martin Pechter, the developer; Richard C. Smith, the civil engineer managing this project; and Timothy Madden, a landscape architect. All three testified as to the proposed plan and the record of their testimony speaks for itself. These witnesses testified as to their desire to make the project aesthetically pleasing and also the importance of the proposed layout for the parking facility, which is to house 163 spaces. If the setback variances were not granted, they testified, the parking garage would have to be reduced, allowing for less parking. This alternative would jeopardize both the financing of the project and the marketability of space in the proposed building. Based upon the uncontradicted evidence regarding these concerns, we are persuaded that the Petitioner has met the "practical difficulty/undue hardship" burden and, therefore, the variances should be granted.

Notwithstanding our reasoning, we must also address the Protestants' chief concern, the future of those trees on the east side of the property which borders the Matthews and Bright properties. The Protestants repeated this concern that the development would kill many of these trees, thereby removing this natural barrier between the residential neighborhood and

Jack H. Pechter, et al
Case No. 86-200-A

the commercial development. Addressing this concern was the project's Arborist, Matthew Anacker. Mr. Anacker discussed and identified each tree involved and provided advice as to how to save many of the trees during construction. Among his suggestions were pruning, fertilizing and the construction of a temporary fence to prohibit the accumulation of dirt and debris. Mr. Anacker's testimony is well taken and we believe provides a framework which can be acceptable to all concerned. We will, therefore, grant the petitioned variances, subject to restrictions.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of January, 1986, by the County Board of Appeals, ORDERED that the herein petitioned variances for a side yard setback of 15 feet in lieu of the required 30 feet, a side yard setback of 8.5 feet in lieu of the required 30 feet, a rear yard setback of 10 feet in lieu of 30 feet, a front yard setback of 18 feet in lieu of the required 25 feet, and a front yard setback of 0 feet in lieu of the required 25 feet, all as shown on Petitioner's Exhibit No. 1, be and are hereby GRANTED subject to the following:

- (1) The project will be fully landscaped in a manner substantially similar to that plan shown on Petitioner's Exhibit No. 1.
- (2) A temporary construction fence will be erected on the east border of the property, a minimum of eight (8) feet from the property line and no debris, dirt or material shall be allowed to accumulate within that area between the fence and the property, said fence to be removed at the end of construction.
- (3) The trees and foliage on the said east side shall be fertilized and pruned prior to construction, all in accordance with the recommendations of Matthew Anacker, or whatever certified Arborist is retained for the project, for the purpose of retaining as much of this foliage as is possible.

Jack H. Pechter, et al
Case No. 86-200-A

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William D. Hackett, Chairman
James E. Schmitt
Patricia Chappas

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 17, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 17, 1985.

THE JEFFERSONIAN,

18 Kentish
Publisher

Cost of Advertising

24.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 23, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 23, 1985.

TOWSON TIMES,

18 Kentish
Publisher

42.50

IN RE: PETITION FOR VARIANCE
32 corner of York Road
and Linden Terrace -
9th Election District
Jack H. Pechter, et al,
Petitioners
Case No. 86-200-A

The Petitioners herein request a side yard setback of 15 feet in lieu of the required 30 feet between the proposed building and Linden Terrace, a side yard setback of 8.5 feet in lieu of the required 30 feet at the southwest corner, of the parking structure adjacent to East Burke Avenue, a rear yard setback of 10 feet in lieu of the required 30 feet along that portion of the eastern property line adjacent to the residential property facing Linden Terrace, a front yard setback of zero feet in lieu of the required 25 feet at the point where the parking structure touches the commercial property located on the northeast corner of York Road and East Burke Avenue, and a York Road front yard setback of 18 feet in lieu of 25 feet for stories two through five only over the York Road entrance, all as depicted on the site plan prepared by Kilde Consultants, Inc., revised October 2, 1985 and marked Petitioner's Exhibit 4.

Testimony on behalf of the Petitioners indicated that they originally proposed a seven story, 70,000 square foot building with 31 parking levels, a project which could be built without variances. Over a two year period the developer met with members of the two affected neighborhood associations, Burkleigh Square Community Association and Towson Manor Village, Inc., and modified the proposal until both associations approved and supported the project as depicted in letters and documents marked Petitioner's Exhibits 2 and 3. An architectural review committee, including representatives from both groups, will continue to work with the developer. More parking spaces than required by the Code will be provided in a controlled, non-public, two-level parking garage

both for marketing purposes and to alleviate neighborhood concern over further congestion in the area. The Petitioners are aware of and share concern about existing trees which have not been properly maintained in the past. Moving the parking structure further from the rear property line would cause the loss of 40 parking spaces and make it difficult to get financing for the project. The developer, however, is amenable to planting a larger number of trees and shrubs than required along the rear. A pedestrian access way will be provided through the rear setback area. Recommendations of a state forester (letter dated October 3, 1985 from Charles D. Robertson, Maryland Forest Service and marked Petitioner's Exhibit 1) will be incorporated in the landscape plan required by Baltimore County. The executive director of the Towson Development Company reviewed the plans and voiced no opposition. The County Review Group (CRG) approved the plan on October 2, 1985.

Six neighbors appeared in protest to the requested rear yard setback variance. A registered professional forester testified that 14 existing trees could be adversely affected by the proposed construction (letter dated November 5, 1985 from Otto W. Koelling marked Protestant's Exhibit 1). This testimony differs from that of the forester cited by the Petitioner as to the condition of two of the older trees and recommends the maintenance of the 30-foot rear setback. Three neighbors, including the adjacent neighbor on Linden Terrace, testified that they did not object to the project but spoke of concern for the health of the existing trees and in favor of a rear yard setback of 30 feet or sufficient depth to protect the trees. An arborist will be hired by the developer to minimize the effects of construction and to treat not only those on the rear part of the site, but also those on the adjacent Linden Terrace property, if the owner gives permission.

After due consideration of the testimony and evidence presented, and it ap-

pearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 12th day of November, 1985, that the herein Petition for Variances to permit a side yard setback of 15 feet in lieu of the required 30 feet between the proposed building and Linden Terrace, a side yard setback of 8.5 feet in lieu of the required 30 feet at the southwest corner of the parking structure adjacent to East Burke Avenue, a rear yard setback of 10 feet in lieu of the required 30 feet along that portion of the eastern property line adjacent to the residential property facing Linden Terrace, a front yard setback of zero feet in lieu of the required 25 feet at the point where the parking structure touches the commercial property located on the northeast corner of York Road and East Burke Avenue, and a York Road front yard setback of 18 feet in lieu of 25 feet for stories two through five only over the York Road entrance, all in accordance with Petitioner's Exhibit 4, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Trash collection containers shall be located inside the building except when necessary for pick-up purposes.
2. The materials and appearance of the exterior of the parking structure shall be submitted to and reviewed by an Architectural Review Committee which shall include representatives from both the Burkleigh Square Community Association and the Towson Manor Village, Inc.
3. The space adjacent to the east side of the parking structure from the zero foot front yard setback south shall be landscaped in some manner such as espalier as deemed practical by the Baltimore County Division of Current Planning.

John M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING

DATE November 12, 1985

BY [Signature]

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

DATE November 12, 1985

BY [Signature]

ADMINISTRATIVE ASSISTANT

ORDER RECEIVED FOR FILING

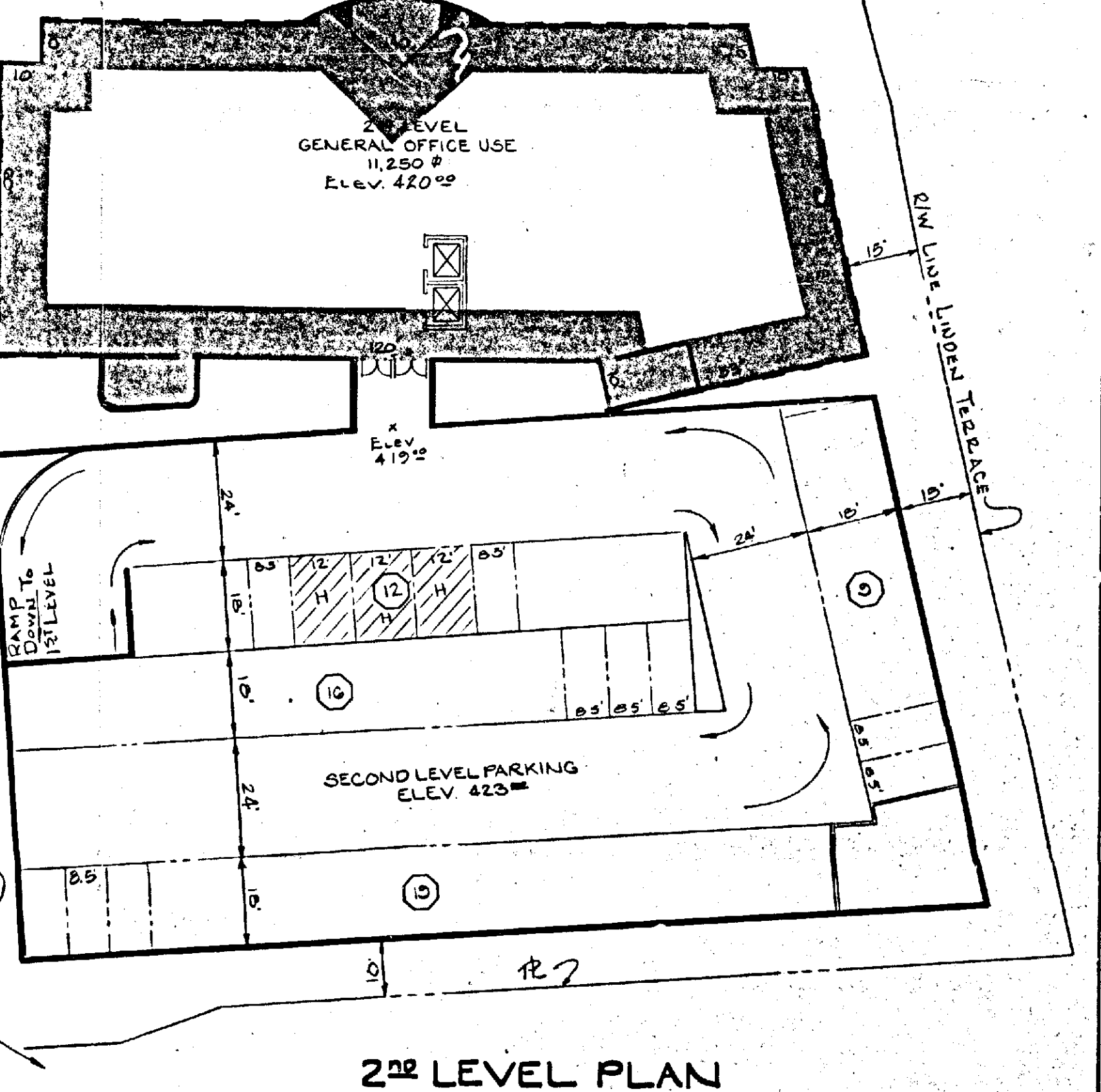
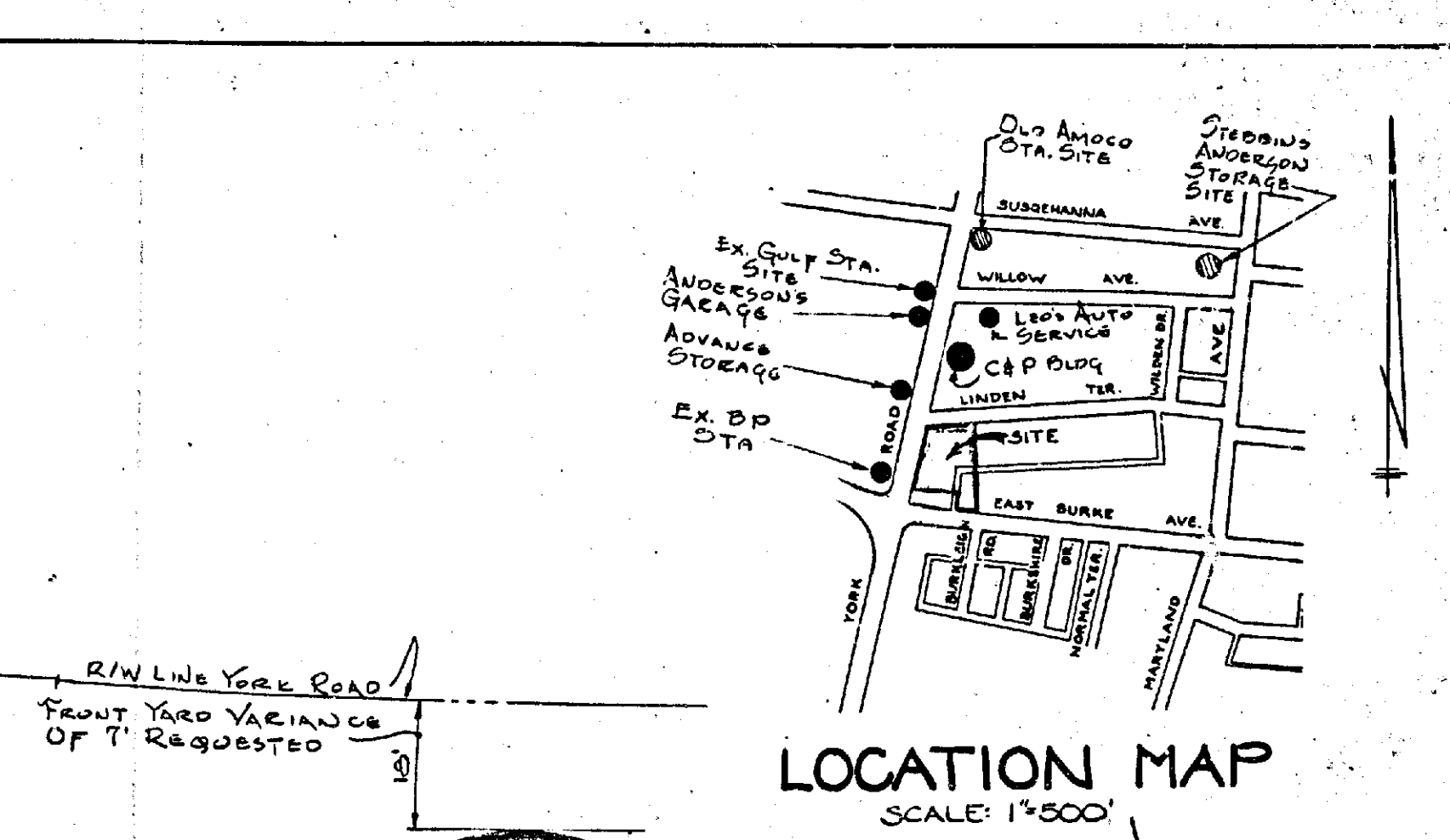
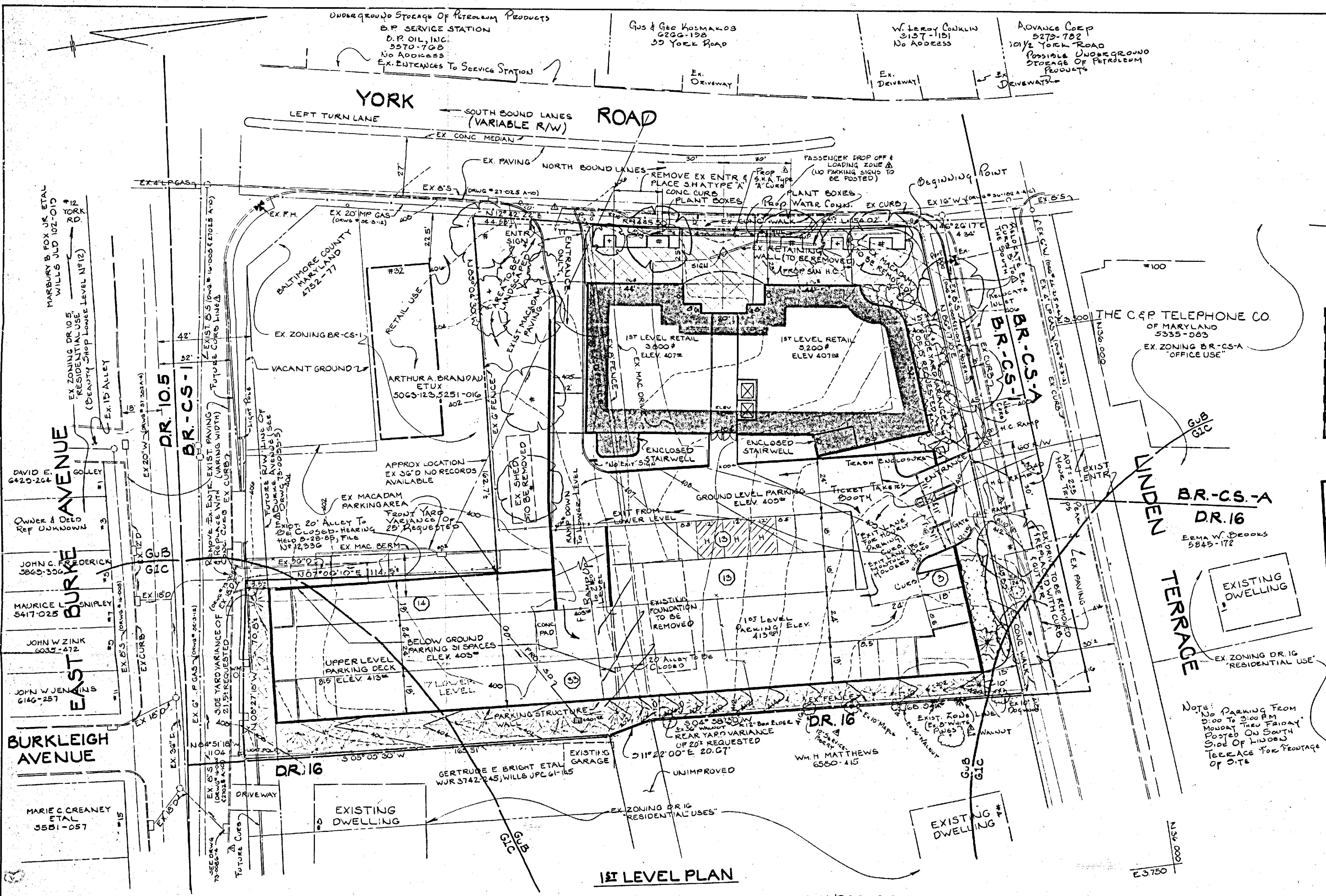
DATE November 12, 1985

BY [Signature]

ADMINISTRATIVE ASSISTANT



PHOTOGRAPHED
EXHIBIT 2



LANDSCAPE KEY

SYMBOL	TYPE	QUANTITY
(Large Circle)	MAJOR DECIDUOUS TREE	12
(Small Circle)	MINOR DECIDUOUS TREES	10
(Star)	EVERGREEN TREE	58
(Dot)	EVERGREEN SHRUB	65

SOIL DATA

SYMBOL	NAME	SLOPE	CLASS	BLDG'S (STORIES OR LESS)	STREETS & PARKING
GUB	GLENNVILLE URBAN LAND COMPLEX	0-8%	"B"	MODERATE - HIGH	SEVERE - HIGH WATER TABLE*
G1B	"	0-8%	"B"	MODERATE - HIGH	MODERATE* SLOPE

* UNDER DRAINS TO BE PROVIDED

ZONING NOTES

1. PETITIONER IS REQUESTING THE FOLLOWING VARIANCES TO SECTION 238.2 OF THE ZONING CODE TO ALLOW:

- A SIDE YARD OF 15' INSTEAD OF THE REQUIRED 30' ON THE LINDEN TERRACE SIDE OF THE SITE (A VARIANCE OF 15').
- A SIDE YARD OF 25' INSTEAD OF THE REQUIRED 30' ON THE EAST BURKE AVENUE SIDE OF THE SITE (A VARIANCE OF 5').
- A REAR YARD OF 10' INSTEAD OF THE REQUIRED 30' ALONG THE EAST BOUNDARY LINE OF THE SITE (A VARIANCE OF 20').

2. PETITIONER IS REQUESTING VARIANCES TO SECTION 238.1 OF THE ZONING CODE TO ALLOW A FRONT YARD SETBACK OF 0' INSTEAD OF THE REQUIRED 25' (A VARIANCE OF 25'), AND TO ALLOW A FRONT YARD SETBACK OF 10' INSTEAD OF THE REQUIRED 25' (A VARIANCE OF 15') ON YORK ROAD.

GENERAL NOTES

- AREA OF PROPERTY EQUALS 1.3531 AC. (INCLUDES ALLEY TO BE CLOSED)
- GROSS AREA OF PROPERTY EQUALS 1.107 AC. (30' OF ADJACENT ROADWAYS)
- NET AREA OF PROPERTY EQUALS 1.3531 AC.
- EXISTING ZONING OF PROPERTY IS "BR-CS-A"
- EXISTING USE OF PROPERTY "VACANT LAND"
- PROPOSED USE OF PROPERTY "RETAIL OFFICE USE"
- OFF-STREET PARKING DATA:
 - A. RETAIL AREA (GROUND FLOOR) - 10,100 SQ. FT. REQUIRING 50.5 SPACES (1,200 FT.)
 - B. UPPER FLOOR OFFICE AREA (4 FLOORS) - 36,350 SQ. FT. REQUIRING 73.2 SPACES (1,800 FT.)
 - C. TOTAL SPACES REQUIRED 124.4 = 125
 - D. TOTAL SPACES PROVIDED 163 (2 LEVEL PARKING GARAGE)
- FLOOR AREA RATIO:
 - A. ALLOWED - 146,714 SQ. FT. (74,356.32 x 2)
 - B. PROPOSED - 34,248 SQ. FT. = 0.63
- EXISTING SHEDS (BLDG. FOUNDATIONS ON SITE TO BE REMOVED)
- TO THE BEST OF OUR KNOWLEDGE THIS SITE CONTAINS NONE OF THE FOLLOWING:
 - WETLANDS
 - CRITICAL AREAS
 - ARCHAEOLOGICAL SITES
 - ENDANGERED SPECIES HABITAT
 - HAZARDOUS MATERIALS SITES
 - HISTORIC BUILDINGS
- LANDSCAPE CALCULATIONS:
 - A. ROAD FRONTAGE: 1,410.55' @ 1 TREE/40' = 35.26 TREES (50% TO BE MAJ. DEC.)
 - B. INTERIOR ROADS: 1,170' @ 1 TREE/20' = 58.5 TREES (50% TO BE MAJ. DEC.)
 - C. PARKING SPACES EXPOSED TO GRADE LEVEL: 108 MAJ. DEC. TREES (1% OF 10,000 TREES)
 - D. SCREENING OF PARKING ADJUTING A PUBLIC STREET OR RESIDENTIAL ZONE: 365' @ 1 EVERGREEN TREE/6' OR 1 EVERGREEN SHRUB/15' = 55 EVERGREEN TREES + 15 EVERGREEN SHRUBS
 - E. TOTAL LANDSCAPING REQUIRED: 11 MAJOR DECIDUOUS TREES, 3 TREES (ANY VARIETY), 55 EVERGREEN TREES, 15 EVERGREEN SHRUBS
 - F. PROPOSED LANDSCAPING: 12 MAJ. DEC. TREES, 10 MIN. DEC. TREES, 55 EVERGREEN TREES, 65 EVERGREEN SHRUBS
- WATER HAS BEEN REQUESTED FOR STORM WATER MANAGEMENT
- PROPOSED SEWAGE FLOWS = 3,931 GPD OR 0.004 MGD
- SEE LOCATION PLAN FOR LOCATION OF EXISTING OR ABANDONED GAS STATIONS
- ALL DRIVEWAYS WILL BE POSTED WITH "NO PARKING, FIRE LANE" SIGNS
- TRASH COLLECTION WILL BE BY PRIVATE CONTRACTOR

NO.	REVISION	DATE
1	ADDED EX. TENS. ALLOW. EAST 1/2 ADJ. PASSENGER DROP OFF ZONE YORK RD. ADJ. SIGN. LOC. REAR LINDEN TERR. RELOCATED SOUTH SIDE OF LINDEN TERR. (RELOCATED EX. DR. DR. LINDEN TERR. CHANGED TOP OF NORTH CURB LINE & R/W LINE OF BURKE AVE. ADJ. YORK RD. EX. REAR PARKING NOTE 70. ADDED NOTES 18 & 19. ADDED TENS. ENCLOSURES	10/2/85
2		9/30/85

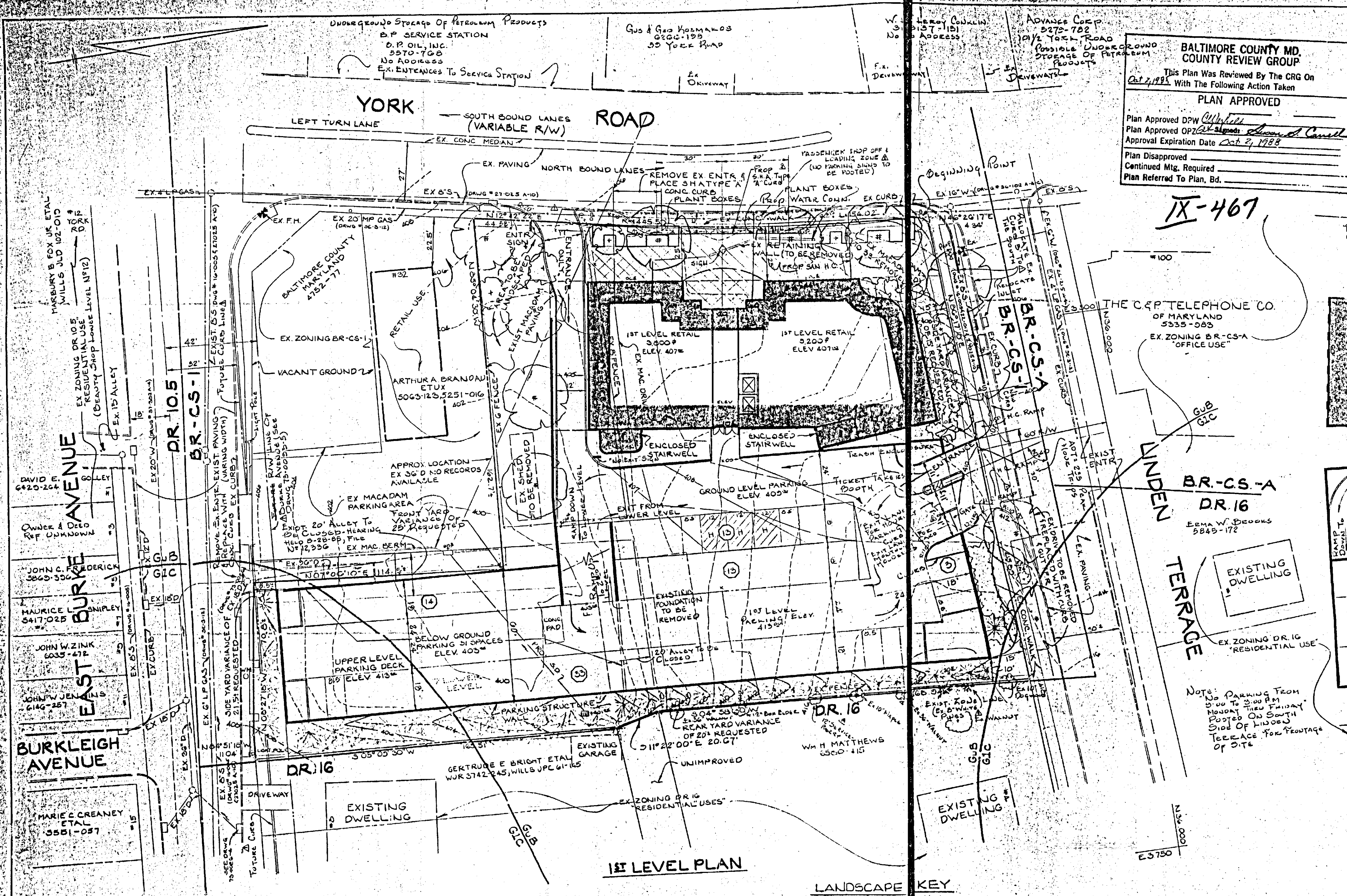
KIDDE CONSULTANTS INC.
1020 CROMWELL BRIDGE RD.
TOWSON, MARYLAND 21204
301-321-5500

CENSUS TRACT NO. 4005
COUNCILMANIC DISTRICT NO. 4
WATERSHED NO. 23
SUBWATERSHED NO. 53
DEED EHK JR 6873-101
ACCT. NO. 05-08-556260
05-21-550040
05-11-000990

OWNER
JACK H. PECHTER
908 YORK RD.
301-823-5151

APPLICANT AND DEVELOPER
J.H.P. DEVELOPMENT INC.
308 YORK RD.
TOWSON, MARYLAND 21204
301-823-5151

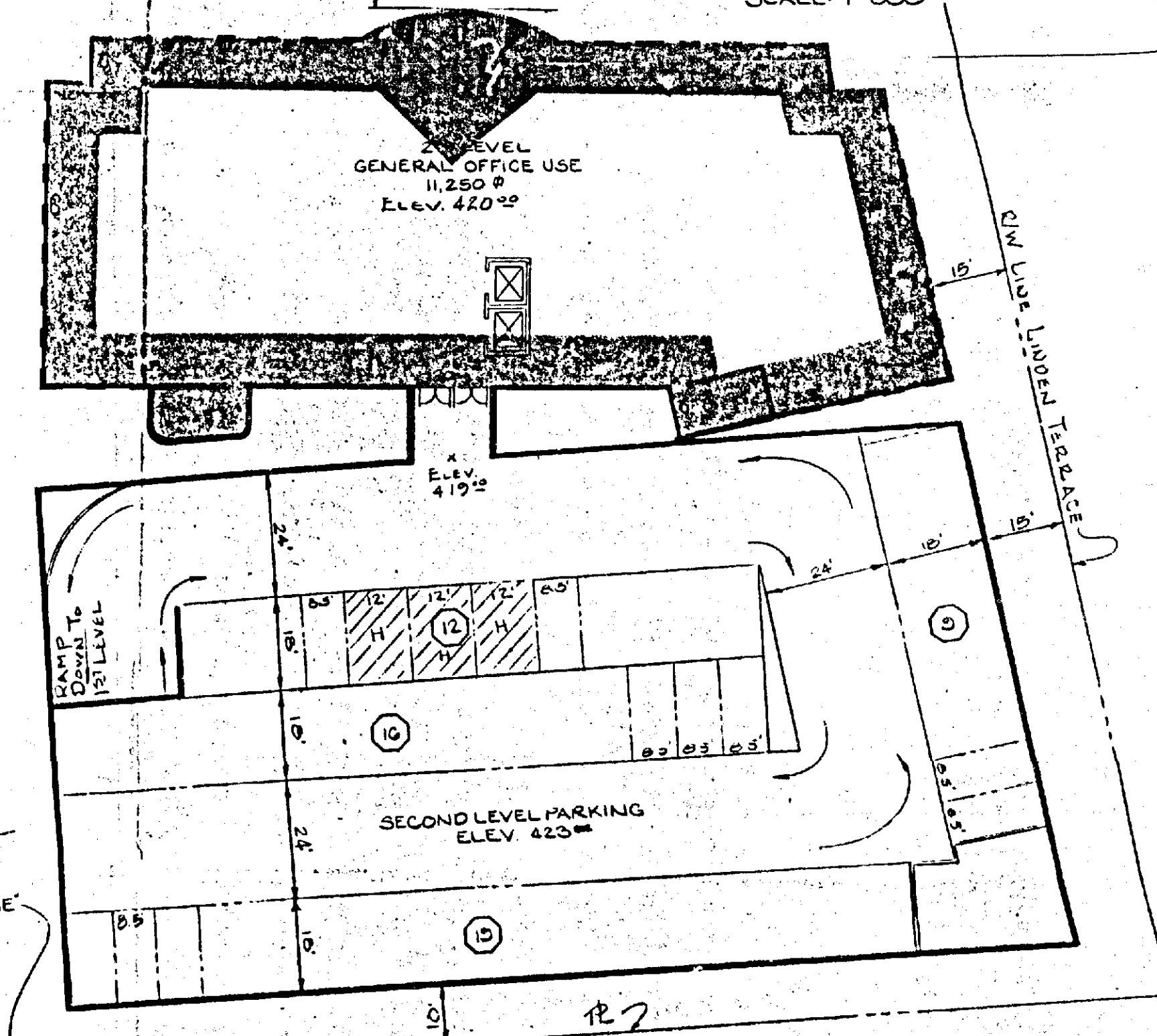
PETITIONER'S EXHIBIT 4
C.R.G. PLAN OF FORTY YORK
NORTHEAST CORNER YORK ROAD & BURKE AVENUE
ELECTION DISTRICT 9
SCALE: 1"=20'
BALTIMORE COUNTY, MD
DATE: AUGUST 16, 1985
Revised: Sept. 30, 1985
PLANNING NO. #108
86-200-A (C12)



BALTIMORE COUNTY MD.
COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On
Oct 2, 1985 With The Following Action Taken
PLAN APPROVED
Plan Approved DPW [Signature]
Plan Approved OPZ [Signature]
Approval Expiration Date Oct 2, 1988
Plan Disapproved
Continued Mtg. Required
Plan Referred To Plan. Bd.

Petitioner's
#3

LOCATION MAP
SCALE: 1"=500'



2nd LEVEL PLAN

GENERAL NOTES

1. AREA OF PROPERTY EQUALS 1.5551 AC (INCLUDES ALLEY TO BE CLOSED)
2. GROSS AREA OF PROPERTY EQUALS 1.5574 AC (30' OF ADJACENT ROADWAYS)
3. NET AREA OF PROPERTY EQUALS 1.5551 AC
4. EXISTING ZONING OF PROPERTY IS "BR-CS-A"
5. EXISTING USE OF PROPERTY "VACANT LAND"
6. PROPOSED USE OF PROPERTY "RETAIL OFFICE USE"
7. OFF-STREET PARKING DATA:
 - A. RETAIL AREA (GROUND FLOOR) 10,100 SQ. FT.
 - REQUIRING 50.5 SPACES (1500)
 - B. UPPER FLOOR OFFICE AREA (4 FLOORS) 36,350 SQ. FT.
 - REQUIRING 73.5 SPACES (1800)
 - C. TOTAL SPACES REQUIRED 124.4 = 125
8. AD TOTAL SPACES PROPOSED 125 (2 LEVEL PARKING GARAGE)
9. FLOOR AREA RATIO:
 - A. ALLOWED 140,714 SQ. FT. (74,356 SQ. FT.)
 - B. PROPOSED 34,248 SQ. FT. = 0.63
10. EXISTING SHEDS & BLDG. FOUNDATIONS ON SITE TO BE REMOVED
11. TO THE BEST OF OUR KNOWLEDGE THIS SITE CONTAINS NONE OF THE FOLLOWING:
 - WETLANDS
 - CRITICAL AREAS
 - ARCHAEOLOGICAL SITES
 - ENDANGERED SPECIES HABITAT
 - HAZARDOUS MATERIALS SITES
 - HISTORIC BUILDINGS
12. LANDSCAPE CALCULATIONS:
 - A. ROAD FRONTAGE 110' 0" @ 1 TREE / 40' = 10.47 = 11 TREES (1.50% TO BE MAJ. DEC.)
 - B. INTERIOR ROADS 170' 0" @ 1 TREE / 20' = 8.5 = 9 TREES (1.50% TO BE MAJ. DEC.)
 - C. PARKING SPACES EXPOSED TO GRADE LEVEL 106 MAJ. DEC. TREE / 12 SP. = 9 TREES
 - D. SCREENING OF PARKING ADJUTING A PUBLIC STREET OR RESIDENTIAL ZONE 500' @ 1 EVERGREEN TREE / 6' OR 1 EVERGREEN SHRUB / 3' = 83 EVERGREEN TREES & 110 EVERGREEN SHRUBS
 - E. TOTAL LANDSCAPING REQUIRED: 11 MAJOR DECIDUOUS TREES, 9 TREES (MAJ. VARIETY), 83 EVERGREEN TREES, 115 EVERGREEN SHRUBS
 - F. PROPOSED LANDSCAPING: 12 MAJ. DEC. TREES, 10 MAJ. DEC. TREES, 83 EVERGREEN TREES, 65 EVERGREEN SHRUBS
13. WATER HAS BEEN REQUESTED FOR STORM WATER MANAGEMENT
14. PROPOSED SEWAGE FLOWS = 900 GPD OR, 0.004 MGD
15. SEE LOCATION PLAN FOR LOCATIONS OF EXISTING OR ADJACENT GAS STATIONS
16. ALL DRIVEWAYS WILL BE POSTED WITH "NO PARKING, FIRE LANE" SIGNS
17. TRASH COLLECTION WILL BE BY PRIVATE CONTRACTOR

ZONING NOTES

PETITIONER IS REQUESTING THE FOLLOWING VARIANCES TO SECTION 230.2 OF THE ZONING CODE TO ALLOW:
A. A SIDE YARD OF 15' INSTEAD OF THE REQUIRED 30' ON THE LUNDEN TERRACE SIDE OF THE SITE (A VARIANCE OF 15')
B. A SIDE YARD OF 35' INSTEAD OF THE REQUIRED 30' ON THE EAST BURKE AVENUE SIDE OF THE SITE (A VARIANCE OF 5')
C. A REAR YARD OF 10' INSTEAD OF THE REQUIRED 30' ALONG THE EAST BOUNDARY LINE OF THE SITE (A VARIANCE OF 20')
2. PETITIONER IS REQUESTING VARIANCES TO SECTION 230.1 OF THE ZONING CODE TO ALLOW A FRONT YARD SETBACK OF 0' INSTEAD OF THE REQUIRED 25' (A VARIANCE OF 25'), AND TO ALLOW A FRONT YARD SETBACK OF 15' INSTEAD OF THE REQUIRED 25' (A VARIANCE OF 10') ON YORK ROAD

LANDSCAPE KEY

SYMBOL	TYPE	QUANTITY
	MAJOR DECIDUOUS TREE	12
	MINOR DECIDUOUS TREE	10
	EVERGREEN TREE	88
	EVERGREEN SHRUB	65

SOIL DATA

SYMBOL	NAME	SLOPE	CLASS	BLDG. (SANS. & L.S.)	STREETS & PARKING
GUB	GLENVILLE URBAN LAND COMPLEX	0-8%	C	MODERATE - HIGH WATER TABLE	SEVERE - HIGH WATER TABLE
G1B		0-8%	D	SLIGHT	MODERATE - SLOPE

* UNDER DRAINS TO BE PROVIDED

NO.	REVISION	DATE
1	REVISED	01/10/89
2	REVISED	01/10/89

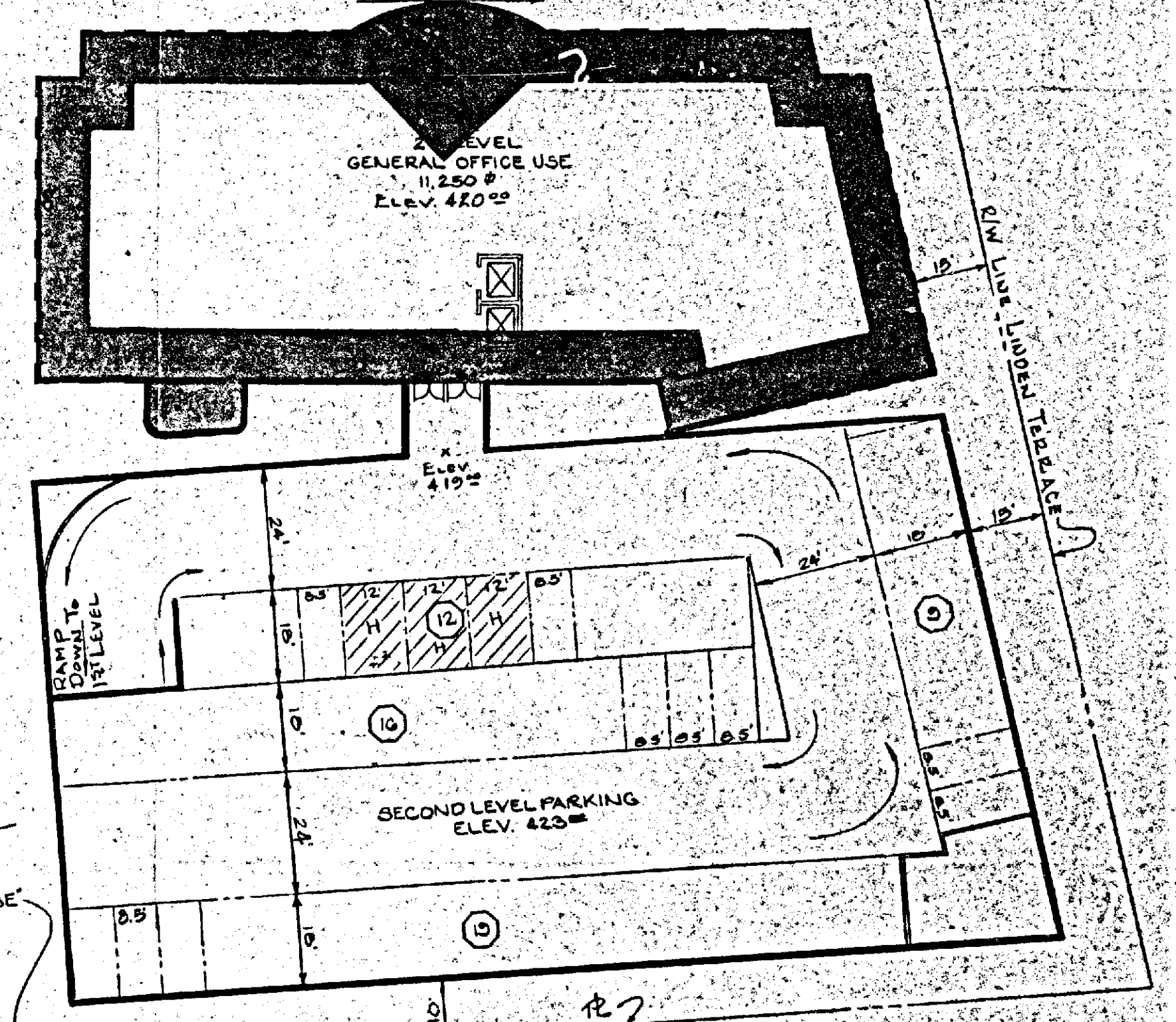
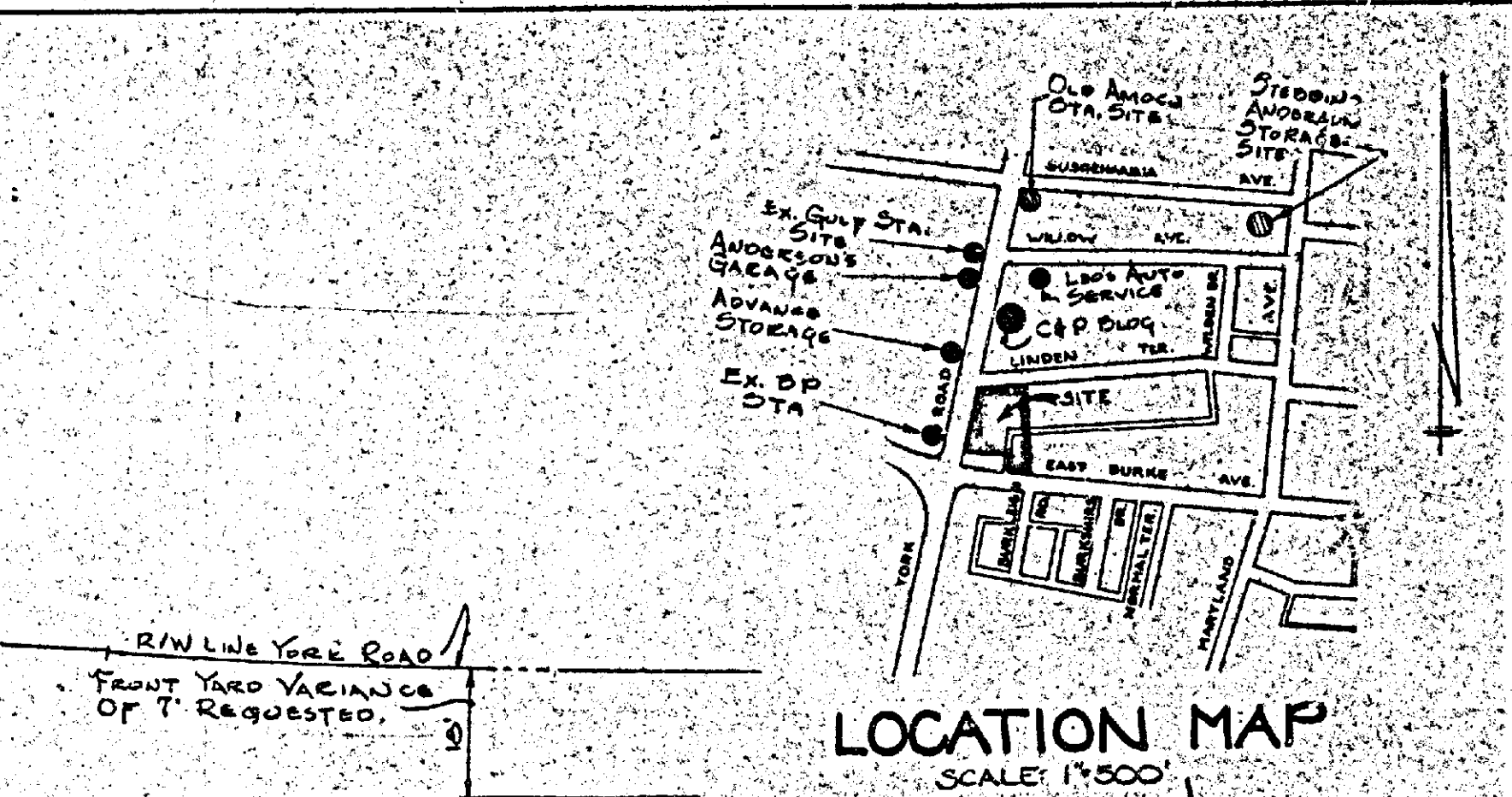
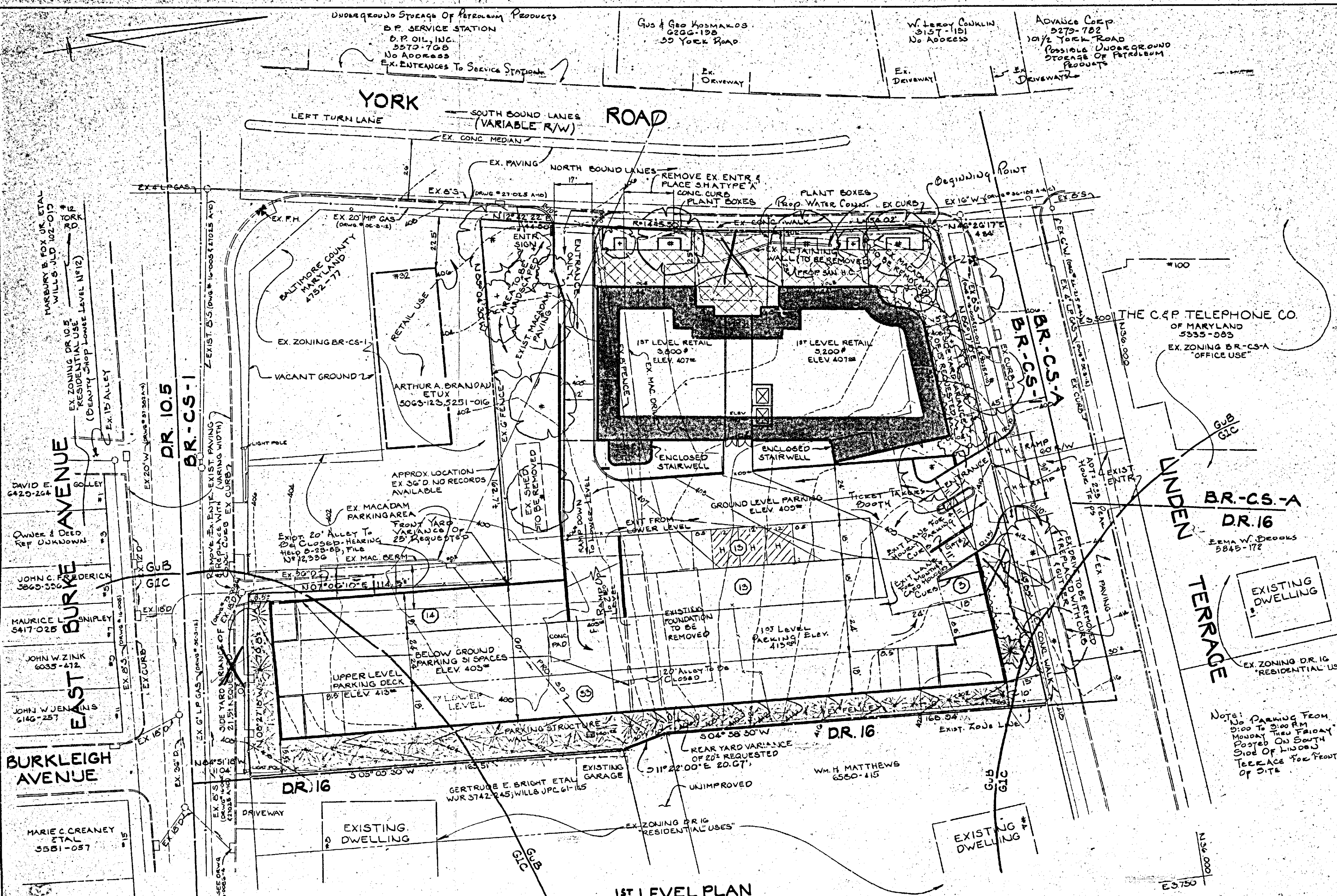
KIDDE CONSULTANTS INC.
1020 CROMWELL BRIDGE RD
TOWSON, MARYLAND 21204
301-321-5500

CENSUS TRACT # 4500
COUNCILMANIC DISTRICT # 4
WATERSHED # 23
SUBWATERSHED # 35
DEED EHK JR 6873-101
ACCT # 05-08-656260
05-21-850040
05-11-000950

OWNER
JACK H. PECHTER
908 YORK RD.
301-23-3151

APPLICANT AND DEVELOPER
J.H.P. DEVELOPMENT INC.
908 YORK RD.
TOWSON, MARYLAND 21204
301-823-3151

C.R.G.
PLAN OF
FORTY YORK
NORTHEAST CORNER YORK ROAD & BURKE AVENUE
ELECTION DISTRICT 3
SCALE: 1"=20'
DATE: AUGUST 16, 1985
Revised: Sept. 30, 1985
PUBLIC WORKS C.R.G. # 84207
PLANNING # 8



2nd LEVEL PLAN

GENERAL NOTES

1. AREA OF PROPERTY EQUALS 1.3501 AC. (INCLUDES ALLEY TO BE CLOSED)
2. GROSS AREA OF PROPERTY EQUALS 1.3501 AC. (30' OF ADJACENT ROADWAYS)
3. NET AREA OF PROPERTY EQUALS 1.3501 AC.
4. EXISTING ZONING OF PROPERTY IS "BR-CS-1"
5. EXISTING USE OF PROPERTY "VACANT LAND"
6. PROPOSED USE OF PROPERTY "RETAIL & OFFICE USE"
7. OFF-STREET PARKING DATA
 - A. REQUIRED 30.5 SPACES (1/2000)
 - B. REQUIRED 30.5 SPACES (1/2000)
 - C. TOTAL SPACES REQUIRED 34.4 = 125 (2 LEVEL PARKING GARAGE)
 - D. TOTAL SPACES PROPOSED 165
8. FLOOR AREA RATIO
 - A. ALLOWED 148,714 SQ. FT. (14,856 SQ. FT.)
 - B. PROPOSED 34,248 SQ. FT. = 0.63
9. EXISTING SHEDS & BLDG. FOUNDATIONS ON SITE TO BE REMOVED
10. TO THE BEST OF OUR KNOWLEDGE THIS SITE CONTAINS NONE OF THE FOLLOWING:
 - WETLANDS
 - CRITICAL AREAS
 - ARCHAEOLOGICAL SITES
 - ENDANGERED SPECIES HABITAT
 - HAZARDOUS MATERIALS SITES
 - HISTORIC BUILDINGS
11. LANDSCAPE CALCULATIONS:
 - A. ROAD FRONTAGE: 418.85' @ 1 TREE / 40' = 10.47 = 11 TREES (1.50% TO BE MAJ. DEC.)
 - B. INTERIOR ROADS: 170' @ 1 TREE / 20' = 8.5 = 9 TREES (1.50% TO BE MAJ. DEC.)
 - C. PARKING SPACES EXPOSED TO GRADE LEVEL: 10.5 MAJ. DEC. TREE / 10 SP. = 0 TREES
 - D. SCREENING OF PARKING ABOUTING A PUBLIC STREET OR RESIDENTIAL ZONE: 30.5 MAJ. DEC. TREE / 10 SP. = 3 TREES
 - E. TOTAL LANDSCAPING REQUIRED: 11 MAJ. DECIDUOUS TREES, 9 TREES (MAJ. VARIETY), 55 EVERGREEN TREES, 15 EVERGREEN SHRUBS
 - F. PROPOSED LANDSCAPING: 12 MAJ. DEC. TREES, 10 MIN. DEC. TREES, 55 EVERGREEN TREES, 65 EVERGREEN SHRUBS
12. WAIVER HAS BEEN REQUESTED FOR STORM WATER MANAGEMENT
13. PROPOSED SEWAGE FLOWS = 3831 GPD OR 0.004 MGD
14. SEE LOCATION PLAN FOR LOCATION OF EXISTING OR ABANDONED GAS STATIONS

1st LEVEL PLAN

LANDSCAPE KEY

SYMBOL	TYPE	QUANTITY
	MAJOR DECIDUOUS TREE	12
	MINOR DECIDUOUS TREE	10
	EVERGREEN TREE	58
	EVERGREEN SHRUB	60

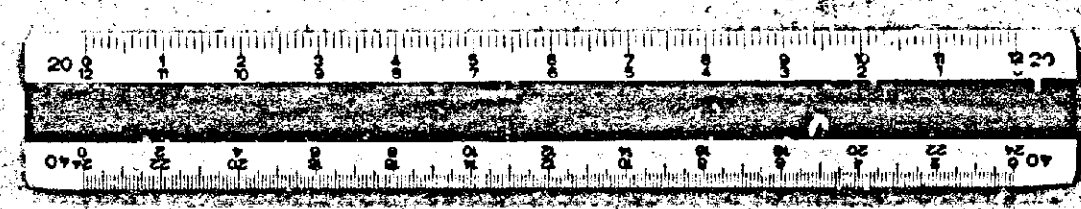
SOIL DATA

SYMBOL	NAME	SLOPE	CLASS	BLDG'S (STORIES OR LESS)	STREETS (PARKING)
GUB	GLENVILLE URBAN LAND COMPLEX	0-8%	C	MODERATE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
G1B		0-8%	B	SLIGHT	MODERATE SLOPE

* UNDER DRAINS TO BE PROVIDED

ZONING NOTES

1. PETITIONER IS REQUESTING THE FOLLOWING VARIANCES TO SECTION 238.2 OF THE ZONING CODE TO ALLOW:
 - A. A SIDE YARD OF 15' INSTEAD OF THE REQUIRED 30' ON THE UNDER TERRACE SIDE OF THE SITE (A VARIANCE OF 15')
 - B. A SIDE YARD OF 25' INSTEAD OF THE REQUIRED 30' ON THE EAST BURKE AVENUE SIDE OF THE SITE (A VARIANCE OF 25')
 - C. A REAR YARD OF 10' INSTEAD OF THE REQUIRED 30' ALONG THE EAST BOUNDARY LINE OF THE SITE (A VARIANCE OF 20')
2. PETITIONER IS REQUESTING VARIANCES TO SECTION 238.1 OF THE ZONING CODE TO ALLOW A FRONT YARD SETBACK OF 0' INSTEAD OF THE REQUIRED 25' (A VARIANCE OF 25'), AND TO ALLOW A FRONT YARD SETBACK OF 15' INSTEAD OF THE REQUIRED 25' (A VARIANCE OF 10') ON YORK ROAD



KIDDE CONSULTANTS INC.
1020 CROMWELL BRIDGE RD.
TOWSON, MARYLAND 21204
301-321-5500

CENSUS TRACT N° 4009
COUNCILMANIC DISTRICT N° 4
WATERSHED N° 23
SUBWERSHED N° 53
DEED EHK JR 6873-101
ACCT N° 05-08-656260
05-21-850040
05-11-000930

OWNER
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C.R.G. PLAN OF FORTY YORK
NORTHEAST CORNER YORK ROAD & BURKE AVENUE
ELECTION DISTRICT 3
BALTIMORE COUNTY, MD.
DATE: AUGUST 16, 1985
SCALE: 1"=20'

X-3

11

Belknap's
at #2



Ap. York
Jo. 1840a
Wo. 4007c
11-10
1/10-10

